FEDERAL REGISTER

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Census Bureau
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Defense Department
Education Office
Emergency Planning Office
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Foreign Assets Control Office
Freedmen's Hospital
General Services Administration
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Tariff Commission
United States-Puerto Rico Commission on the Status of Puerto Rico
Wage and Hour Division

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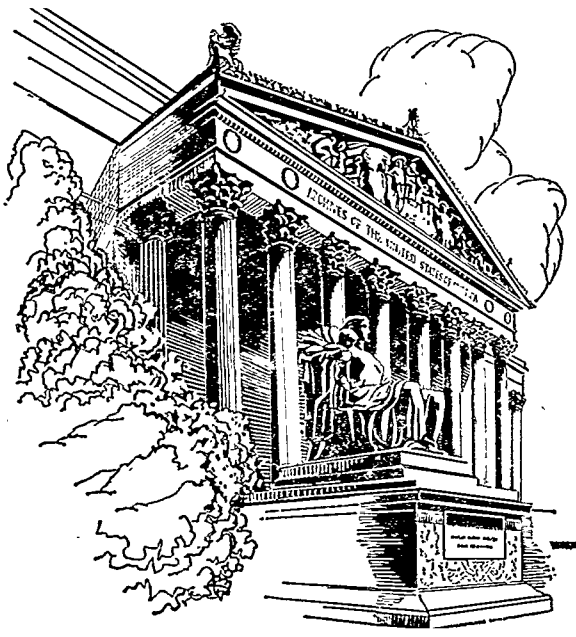

Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a republication of the schedule of advance rates, by grades, for the 1965 crop of types 11–14 flue-cured tobacco, under the tobacco price support loan program, originally published in the FEDERAL REGISTER July 3, 1965 (30 F.R. 8512).

Republication is deemed desirable inasmuch as the general statement with respect to the tobacco price support loan program (30 F.R. 9533) published July 30, 1965, may be subject to the interpretation that it superseded the earlier published schedule. Republication will make clear that the schedule remains in effect.

§ 1464.1720 1965 crop—flue-cured tobacco, Types 11–14; advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
A1F	86.25	B4GK	46.25	C4KL	64.25
A2F	84.25	B5GK	43.25		
		B6GK	36.25	C4KF	64.25
A1R	83.25				
A2R	82.25	B4GG	34.25	C4KM	64.25
		B5GG	31.25		
B1L	80.25			C4LS	61.25
B2L	75.25	B3LS	56.25	C5LS	59.25
B3L	71.25	B4LS	54.25		
B4L	68.25	B5LS	50.25	C4FS	61.25
B5L	63.25	B6LS	44.25	C5FS	59.25
B6L	59.25				
		B3FS	56.25	B4GL	51.25
B1R	64.25	B4FS	54.25	B5GL	47.25
B2R	60.25	B5FS	50.25	B6GL	41.25
B3R	56.25	B6FS	44.25		
B4R	51.25			B4GF	51.25
B5R	45.25	B5RR	40.25	B5GF	47.25
B6R	38.25			B6GF	41.25
		B5RG	36.25		
B5D	39.25			B4GR	46.25
B6D	32.25	H1L	81.25	B5GR	42.25
		H2L	77.25	B6GR	34.25
B3LV	65.25	H3L	76.25		
B4LV	60.25	H4L	75.25	X3FV	64.25
B5LV	56.25	H5L	72.25	X4FV	61.25
		H6L	68.25		
B3KL	53.25			X4KV	51.25
B4KL	51.25	B3FV	65.25	X5KV	40.25
B5KL	47.25	B4FV	60.25		
B6KL	41.25	B5FV	56.25	X4KL	58.25
				X5KL	49.25
B3KF	53.25	B4KV	51.25		
B4KF	51.25	B5KV	45.25	X4KF	58.25
B5KF	47.25	B6KV	38.25	X5KF	49.25
B6KF	41.25				
		B4K	62.25	X3KM	62.25
B3KM	56.25	B5K	58.25	X4KM	57.25
B4KM	54.25	B6K	52.25		
B5KM	50.25			X3LS	59.25
B6KM	44.25	C1L	81.25	X4LS	56.25
		C2L	77.25		
B1F	80.25	C3L	76.25	X3FS	59.25
B2F	75.25	C4L	75.25	X4FS	56.25
B3F	71.25	C5L	74.25		
B4F	68.25			X4G	48.25
B5F	63.25	C1F	81.25	X5G	41.25
B6F	59.25	C2F	77.25		
		C3F	76.25	X4GK	46.25
B1FR	79.25	C4F	75.25		
B2FR	73.25	C5F	74.25	P2L	69.25
B3FR	69.25			P3L	67.25
B4FR	64.25	C4LV	69.25	P4L	61.25
B5FR	59.25			P5L	52.25
B6FR	54.25	C4FV	69.25		

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
H1F	81.25	X1L	76.25	P3F	67.25
H2F	77.25	X2L	75.25	P4F	61.25
H3F	76.25	X3L	74.25	P5F	49.25
H4F	75.25	X4L	71.25		
H5F	72.25	X5L	65.25	P4G	42.25
H6F	68.25			P5G	34.25
		X1F	76.25		
H3FR	70.25	X2F	75.25	N1L	31.25
H4FR	67.25	X3F	74.25	N1XL	42.25
H5FR	64.25	X4F	71.25	N1F	36.25
H6FR	60.25	X5F	65.25	N1R	29.25
				N1GL	25.25
H4K	66.25	X3LV	64.25	N1GF	31.25
H5K	62.25	X4LV	61.25	N1GR	26.25
H6K	56.25			N1GG	23.25
		P2F	69.52	N1K	44.25

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a 1965 Flue-Cured marketing card which does not bear either the notation "No Price Support" or "Discount Variety Limited Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single warehouse bill, exceed 110 percent of the applicable farm marketing quota. Rates for tobacco identified on a marketing card which bears the notation "Discount Variety Limited Support", which does not bear the notation "No Price Support" and which does not, together with all other tobacco previously marketed and currently being offered for marketing on a single warehouse bill, exceed 110 percent of the applicable farm marketing quota, are 50 percent plus twelve and one-half cents ($0.125) per hundred pounds of the advance rates listed above. Rates for untied flue-cured tobacco are three dollars ($3.00) per hundred pounds less for each grade than for tied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced on a cooperating farm.

In the Georgia-Florida area price supports will be available only on untied tobacco as in past years. On all markets except in the Georgia-Florida area, price support on untied tobacco will be available for the first seven market days on lugs, primings and nondescript grades thereof, and price support for tied tobacco will be available for all grades during the first seven sale days as well as during the remainder of the marketing season.

Tobacco graded "W" (unsafe order), "U" (unsound), N2, No-G or scrap will not be accepted. The Cooperative Association through which price support is made available is authorized to deduct 25 cents per hundred pounds to apply against overhead cost.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b; 714c)

Effective date. Date of filing with Office of Federal Register.

Signed at Washington, D.C., on September 3, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-9545; Filed, Sept. 8, 1965; 8:56 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to reflect a change in the title of the position of Deputy Assistant Secretary (Planning and North Atlantic Affairs) to Deputy Assistant Secretary (European and North Atlantic Treaty Organization Affairs). Effective on publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (a) of § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(9) One Deputy Assistant Secretary (European and North Atlantic Treaty Organization Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-9549; Filed, Sept. 8, 1965; 8:57 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-SW-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter Federal Register Document 65-7549 regarding VOR Federal airway No. 13 west alternate, effective September 16, 1965.

On July 17, 1965, Federal Register Document 65-7549 was published in the FEDERAL REGISTER (30 F.R. 9000) amending, in part, VOR Federal airway No. 13 west alternate from Page, Okla. to Fayetteville, Ark. via the intersection of the Page 007° and Fayetteville 203° True radials. Recent mathematical computations based on a refined geodetic position for the Fort Smith, Ark., VOR have shown that the direct radial of V-13 between Page and Fort Smith is 21° True. Accordingly, to provide 15° separation between V-13 and its west alternate at

Page, the west alternate should be redescribed via the Page 006° True radial. Action is taken herein to effect this correction.

It is intended that the dogleg of V–13 west alternate form a common intersection with VOR Federal airway No. 74 north alternate, northwest of Fort Smith. To retain this common intersection and still use the 006° radial of Page, it is necessary to redescribe the airway segment via the Fayetteville 205° True radial in lieu of the 203° True radial. Action is also taken herein to effect this change.

Since this change to Federal Register Document 65–7549 is minor in nature, notice and public procedure hereon are unnecessary and the amendment to the document may be made effective on less than 30 days' notice. The initial effective date of the amendments set forth in the document is retained herein.

In consideration of the foregoing, Federal Register Document 65–7549 (30 F.R. 9000) is amended, effective immediately, as hereinafter set forth.

In Item 1., sub-item a. "INT of Page 007° and Fayetteville 203° radials;" is deleted and "INT of Page 006° and Fayetteville 205° radials;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Washington, D.C., on September 2, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–9470; Filed, Sept. 8, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–1]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On June 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7724) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R–3002 at Fort Benning, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received from the Air Transport Association offered no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 11, 1965, as hereinafter set forth.

In § 73.30 (29 F.R. 17742), Restricted Area R–3002 at Fort Benning, Ga., is amended by deleting from the description of the boundaries "to latitude 32°-29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'-25" W.;" and inserting "to latitude 32°-31'20" N., longitude 84°40'20" W.; thence northeast along Upatoi Creek to latitude 32°18'30" N., longitude 84°39'-25" W.;" and inserting "to latitude 32°-tude 84°39'25" W.;" therefor; and by deleting "to latitude 32°24'00" N., longitude 84°53'30" W.; to point of beginning." and substituting therefor "to latitude 32°24'00" N., longitude 84°53'30" W.; to latitude 32°29'17" N., longitude 84°52'32" W.; to latitude 32°29'17" N., longitude 84°51'35" W.; to latitude 32°-30'19" N., longitude 84°51'35" W.; to latitude 32°30'19" N., longitude 84°52'-21" W.; to the point of beginning."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 2, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65–9471; Filed, Sept. 8, 1965; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Foreign Trade Classification Schedules

Effective January 1, 1965, some of the foreign trade classification schedules were adminstratively revised and reissued as new editions or replaced by a new classification schedule under a new designation. Following is a summary of the principal changes made:

Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, was revised for conformance with the Standard International Trade Classification (SITC) and reissued according to a notice published in the FEDERAL REGISTER on August 8, 1964 (29 F.R. 11472).

Schedule C, Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics, was reissued to reflect changes in various foreign governments.

Schedule D, Code Classification of United States Customs Districts and Ports, was revised to incorporate administrative changes.

Schedule P, Commodity Classification for Reporting Shipments from Puerto Rico to the United States, was rearranged and incorporated with a new edition to provide more statistical detail.

Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States Arranged in Shipping Commodity Groups, and Schedule T, Statistical Classification of Imports into the United States Arranged in Shipping Commodity Groups, were replaced by Schedule W, Statistical Classification of United States Waterborne Exports and Imports.

Use of the new schedules to the greatest extent possible beginning January 1, 1965, was necessary in order to insure uniform statistical reporting within calendar year 1965, and to make possible annual comparisons of foreign trade statistics. However, the revised schedules were not formally put into effect by publishing a notice of effective date in the FEDERAL REGISTER at that time in order to allow ample opportunity for change-over to use of the new schedules and for dealing with any transitional problems which might develop.

The transition to use of the January 1965 edition of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and to the January 1965 edition of Schedule P, Commodity Classification for Reporting Shipments from Puerto Rico to the United States has now been largely completed. Accordingly these schedules will be formally made effective 30 days from the date of this publication. Notice and public procedure on this rule are hereby found to be unnecessary because users of the schedules have had actual notice and extended opportunity to comment upon the new schedule in the light of practical experience.

In the case of Schedules C and D, publication of notice of effective date is hereby found to be unnecessary because of the minor nature of the changes and these Schedules are effective with the date of this publication.

Schedule W was not available in time to provide for its use in preparing statistical reporting documents effective January 1, 1965, but will be appropriate for use as of the date of this publication, and will be required 30 days after the date of this publication.

Accordingly, pursuant to 13 U.S.C., sec. 302, the following amendments are hereby made to the Foreign Trade Statistics Regulations (15 CFR Part 30):

1. Section 30.7 *Information required on Shipper's Export Declarations,* paragraph (l) *Description of commodities and Schedule B number,* subparagraph (5) is amended to read as follows:

§ 30.7 Information required on Shipper's Export Declarations.

* * * * *

(l) *Description of commodities and Schedule B number.* * * *

(5) On the Shipper's Export Declaration for In-transit Goods covering shipments by vessel, shippers shall show, in addition to the Schedule B number, the commodity number in terms of Schedule W, Statistical Classification of United States Waterborne Exports and Imports.

* * * * *

2. Section 30.70 *Statistical information required on import entries,* is amended in the following respects: The last sentence of paragraph (g) *Description of merchandise* and paragraph (l) *Schedule T reporting number* are amended to read as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(g) * * * When Customs Form 7512 is used as a Transportation and Exportation, or Immediate Exportation entry, the description of the merchandise shall be in sufficient detail to permit the verification of the commodity classification reporting number in terms of Schedule W, Statistical Classification of United States Waterborne Exports and Imports.

* * * * *

(1) *Schedule W reporting number.* (Customs Form 7512 when used as a Transportation and Exportation or Immediate Exportation Entry.) The reporting number, according to the current edition of Schedule W, Statistical Classification of United States Waterborne Exports and Imports, is required to be shown in the column provided on the form for "Description and Quantity of Merchandise." This code should appear to the right of that column, on the same line as the reported gross weight and value.

3. Section 30.92 *Statistical classification schedules,* is amended to read as follows:

§ 30.92 Statistical classification schedules.

The following statistical classification schedules referred to in the regulations in this part are hereby incorporated by reference. Information as to where copies may be obtained is indicated. Copies are available for public inspection at the offices of local Collectors of Customs and Department of Commerce Field Offices.

TSUSA—*Tariff Schedules of the United States Annotated for Statistical Reporting.* 1963 edition, as currently revised, shows the 7-digit statistical reporting number to be used in preparing import entries and withdrawal forms. Order from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, local Collectors of Customs, or Department of Commerce Field Offices located in principal cities, at a cost of $5.00 domestic, $1.25 additional for foreign mailing. The price includes the basic schedule plus revisions as currently issued for an indefinite period.

Schedule B—*Statistical Classification of Domestic and Foreign Commodities Exported from the United States.* 1965 edition as currently revised, shows the detailed commodity classification requirements and 7-digit statistical reporting number to be used in preparing Shipper's Export Declarations, as required by these regulations. Order from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, local Collectors of Customs, or Department of Commerce Field Offices located in principal cities, at a cost of $6.00 domestic, $1.50 additional for foreign mailing. The price includes the basic schedules and supplements issued irregularly, covering revisions in the schedule for an indefinite period.

Schedule C—*Classification of Country Designations Used in Compiling the United States Foreign Trade Statistics.* 1965 edition as published in the introductory pages to the 1965 edition of Schedule B. Free from the Bureau of the Census, Washington, D.C., 20233.

Schedule D—*Code Classification of United States Customs Districts and Ports.* 1965 edition as published in the introductory pages to the 1965 edition of Schedule B. Free from the Bureau of the Census, Washington, D.C., 20233.

Schedule P—*Commodity Classification for Reporting Shipments from Puerto Rico to the United States.* 1965 edition, as currently revised. Free from the Bureau of the Census, Washington, D.C., 20233.

Schedule W—*Statistical Classification of United States Waterborne Exports and Imports.* 1965 edition, as currently revised. Free from the Bureau of the Census, Washington, D.C., 20233.

Copies of the above described schedules are filed as part of the original document.

A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

I concur.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary
of the Treasury.

[F.R. Doc. 65-9469; Filed, Sept. 8, 1965; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

Subpart A—Eligibility Requirements

The following miscellaneous amendments have been made to this chapter:

In § 203.18 the introductory text of paragraph (a) (3) is amended to read as follows:

§ 203.18 Maximum mortgage amounts.

(a) * * *

(3) 100 percent of $15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, or the sum of—(i) such value not in excess of $15,000, and (ii) the items of prepaid expense approved by the Commissioner, less $200, whichever amount is the lesser; and 90 percent of such value in excess of $15,000 but not in excess of $20,000; and 85 percent of such value in excess of $20,000, if the mortgagor:

* * * * * *

In § 203.19 paragraph (a) is amended to read as follows:

§ 203.19 Mortgagor's minimum investment.

(a) At the time the mortgage is insured, the mortgagor shall have paid in cash or its equivalent the following minimum amount:

(1) In all cases (except those involving a veteran meeting the requirements of § 203.18(a)(3)), the minimum investment shall be at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine.

(2) In a case involving a veteran meeting the requirements of § 203.18(a)(3), the minimum investment shall be $200 which may include settlement costs, initial payments for taxes, hazard insurance premiums, mortgage insurance premiums, and other prepaid expenses as approved by the Commissioner.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

In § 809.5 paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 809.5 Maximum mortgage amount; loan-to-value limitation.

* * * * *

(b) 100 percent of $15,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, or the sum of—(i) such value not in excess of $15,000, and (ii) the items of prepaid expense approved by the Commissioner, less $200, whichever amount is the lesser; and 90 percent of such value in excess of $15,000 but not in excess of $20,000; and 85 percent of such value in excess of $20,000, if the mortgagor:

(1) Submits a Certificate of Veteran Status from the Veterans' Administration establishing that he has served on active duty in the Armed Forces (U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, the Coast Guard Reserve, the National Guard of the United States and the Air National Guard of the United States) of the United States for a period of not less than 90 days and was discharged or released therefrom under conditions other than dishonorable; or if he has served less than 90 days, he shall establish by a certificate issued by the Secretary of Defense that he performed extra hazardous service; and

(2) Certifies that he has not received any direct, guaranteed, or insured loan under laws administered by the Veterans' Administration for the purchase, construction, or repair of a dwelling (including a farm dwelling) which was to be owned and occupied by him as his home.

* * * * *

Section 809.7 is amended to read as follows:

§ 809.7 Mortgagor's minimum investment.

At the time the mortgage is insured, the mortgagor shall have paid in cash or its equivalent the following minimum amount:

(a) In all cases (except those involving a veteran meeting the requirements of § 809.5(b)), the minimum investment shall be at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount, as the Commissioner may determine.

(b) In a case involving a veteran meeting the requirements of § 809.5(b), the minimum investment shall be $200 which may include settlement costs, initial pay-

ments for taxes, hazard insurance premiums, mortgage insurance premiums, and other prepaid expenses as approved by the Commissioner.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h–1)

Issued at Washington, D.C., September 1, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65–9496; Filed, Sept. 8, 1965; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 800—EQUAL PAY FOR EQUAL WORK UNDER THE FAIR LABOR STANDARDS ACT

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby revise 29 CFR Part 800, pertaining to the Equal Pay Act of 1963 (77 Stat. 56), to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule-making, opportunity for public participation, and delay of effective date are not applicable because 29 CFR Part 800 consists only of interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly the revision shall become effective immediately.

As revised 29 CFR Part 800 reads as follows:

Subpart A—General

INTRODUCTORY

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800.0 General scope of the Fair Labor Standards Act.
800.1 Purpose of this part.
800.2 Significance of official interpretations.
800.3 Reliance on interpretations.
800.4 Matters discussed in this part.

BASIC COVERAGE AND EXEMPTION PROVISIONS AFFECTING APPLICATION OF EQUAL PAY REQUIREMENTS

800.5 Basic coverage as related to the equal pay provisions.
800.6 General coverage of employees "engaged in commerce".
800.7 General coverage of employees "engaged in * * * the production of goods for commerce".
800.8 "Closely related" and "directly essential" activities.
800.9 What goods are considered as produced for commerce.
800.10 Coverage is not based on amount of covered activity.
800.11 "Enterprise" coverage.
800.12 Exemptions from section 6 provided by section 13.

Subpart B—The Equal Pay Provisions

THE STATUTORY PROVISIONS

800.100 Section 6(d) of the Act.
800.101 Effective date of equal pay requirements.

APPLICATION OF PROVISIONS IN GENERAL

Sec.
800.102 Application to employers.
800.103 Application to establishments.
800.104 Application to employees.
800.105 Employees not subject to provisions.
800.106 Application to labor organizations.

DEFINITIONS PERTINENT TO APPLICATION

800.107 "Employer", "employee", "employ" defined.
800.108 Meaning of "establishment".
800.109 "Labor organization" defined.
800.110 Meaning of "wages".
800.111 Wage "rate".
800.112 Cost or value of non-cash items as included in wages.
800.113 Particular types of payments as wages.

EQUALITY OF PAY

800.114 "Male jobs" and "female jobs" generally.
800.115 Inequalities in pay that raise questions under the Act.
800.116 Equality and inequality of pay in particular situations.
800.117–800.118 [Reserved]

THE EQUAL PAY FOR EQUAL WORK STANDARD—GENERALLY

800.119 The job concept in general.
800.120 Effect of differences between jobs in general.
800.121 Job content controlling.
800.122 General guides for testing equality of jobs.
800.123 Determining equality of job content in general.
800.124 Comparing "exempt" and "nonexempt" jobs.

EQUAL SKILL

800.125 Jobs requiring equal skill in performance.
800.126 Comparing skill requirements of jobs.

EQUAL EFFORT

800.127 Jobs requiring equal effort in performance.
800.128 Comparing effort requirements of jobs.

EQUAL RESPONSIBILITY

800.129 Jobs requiring equal responsibility in performance.
800.130 Comparing responsibility requirements of jobs.

SIMILAR WORKING CONDITIONS

800.131 Jobs performed under similar working conditions.
800.132 Determining similarity of working conditions.
800.133–800.139 [Reserved]

EXCEPTIONS TO EQUAL PAY STANDARD

Sec.
800.140 The specified exceptions.
800.141 Establishing application of an exception.
800.142 Sex must not be a factor in excepted wage differentials.
800.143 Establishing absence of sex as a factor.
800.144 Excepted "systems".
800.145 Application of exceptions illustrated, in general.
800.146 Examples—"red circle" rates, in general.
800.147 Examples—temporary reassignments.
800.148 Examples—training programs.
800.149 Examples—"head of household".
800.150 Examples—temporary and part-time employees.
800.151–800.159 [Reserved]

RELATION TO OTHER LAWS

Sec.
800.160 Relation to other equal pay laws.
800.161 Higher State minimum wage.
800.162 Overtime payments required by State law.
800.163 Other laws not applying equally to employment of both sexes.

ENFORCEMENT

800.164 Investigations and compliance assistance.
800.165 Recordkeeping requirements.
800.166 Recovery of wages due; injunctions; penalties for willful violations.

AUTHORITY: The provisions of this Part 800 issued under secs. 1–19, 52 Stat. 1060 as amended; 77 Stat. 56; 29 U.S.C. 201–219.

Subpart A—General

INTRODUCTORY

§ 800.0 General scope of the Fair Labor Standards Act.

The Fair Labor Standards Act, as amended, hereinafter referred to as the Act, is a Federal statute of general application which establishes minimum wage, overtime pay, child labor, and equal pay requirements that apply as provided in the Act. All employees whose employment has the relationship to interstate or foreign commerce which the Act specifies are subject to the prescribed labor standards unless specifically exempted from them. Employers having such employees are required to comply with the Act's provisions in this regard unless relieved therefrom by some exemption in the Act. Such employers are also required to comply with specified recordkeeping requirements contained in Part 516 of this chapter. The law authorizes the Department of Labor to investigate for compliance and, in the event of violations, to supervise the payment of unpaid wages or unpaid overtime compensation owing to any employee. The law also provides for enforcement in the courts.

§ 800.1 Purpose of this part.

It is the purpose of this Part 800 to make available official interpretations of the Department of Labor with respect to the meaning and application of the equal pay provisions added to the Fair Labor Standards Act by the Equal Pay Act of 1963 (Public Law 88–38). The Equal Pay Act was enacted on June 10, 1963, for the purpose of correcting "the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex". This law amends the Fair Labor Standards Act by adding a new section 6(d) to its minimum wage provisions.

§ 800.2 Significance of official interpretations.

The interpretations of the law contained in this part are official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. The ultimate decisions on interpretations of the Act are made by the courts. Court decisions supporting interpretations contained in this part are cited where it is believed they may be helpful. On matters which have not been determined by the courts,

it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of Labor, as authorized by the Secretary (Reorg. Pl. 6 of 1950, 64 Stat. 1263; Gen. Ord. 45A, May 24, 1950, 15 F.R. 3290). As included in the regulations in this part, these interpretations are believed to express the intent of the law as reflected in its provisions and as construed by the courts and evidenced by its legislative history. They indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. References to pertinent legislative history are made in this part where it appears that they will contribute to a better understanding of the interpretations.

§ 800.3 Reliance on interpretations.

On and after publication of this part in the FEDERAL REGISTER, the interpretations contained therein shall be in effect and shall remain in effect until they are modified, rescinded, or withdrawn. So long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect, they may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84, 29 U.S.C. 251 et seq., discussed in Part 790 of this chapter). In addition, the Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance". Further, as stated by the Court: "Good administration of the Act and good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134). This part supersedes and replaces the interpretations previously published in the FEDERAL REGISTER and Code of Federal Regulations as Part 800 of this chapter. Prior opinions, rulings, and interpretations and prior enforcement policies which are not inconsistent with the interpretations in this part or with the Fair Labor Standards Act as amended are continued in effect; all other opinions, rulings, interpretations, and enforcement policies on the subjects discussed in the interpretations in this part are rescinded and withdrawn.

§ 800.4 Matters discussed in this part.

(a) This part primarily discusses the meaning and application of the equal pay provisions in section 6(d) of the Act. These provisions are discussed in some detail in Subpart B. The enforcement provisions applicable to the equal pay requirements are discussed in Subpart B, §§ 800.164–800.166. In addition, §§ 800.5 et seq. of this subpart briefly consider or make reference to the guides for determining what interstate commerce activities will bring employees and employers within the basic coverage of the Act so that its equal pay requirements may apply. The meaning and application of other provisions of the Act are discussed only to make clear their relevance to the equal pay provisions and are not considered in detail in this part.

(b) The interpretations in this part provide statements of general principles applicable to the subjects discussed and illustrations of the application of these principles to situations that frequently arise. They do not and cannot refer specifically to every problem which may be met in the consideration of the provisions discussed. The omission to discuss a particular problem in this part or in interpretations supplementing it should not be taken to indicate the adoption of any position by the Secretary of Labor or the Administrator with respect to such problem or to constitute an administrative interpretation or practice or enforcement policy. Questions on matters not fully covered by this part may be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D.C., 20210, or to any Regional Office of the Divisions.

(c) Interpretations published elsewhere in this title deal with such subjects as the general coverage of the Act (Part 776 of this chapter), methods of payment of wages (Part 531, Subpart C of this chapter), computation and payment of overtime compensation (Part 778 of this chapter), retailing of goods or services (Part 779 of this chapter), hours worked (Part 785 of this chapter), and child labor provisions (Part 1500 of this title). Regulations on recordkeeping are contained in Part 516 of this chapter, and regulations defining exempt bona fide executive, administrative, professional employees and outside salesmen are contained in Part 541 of this chapter. Regulations and interpretations on other subjects concerned with the application of the Act are listed in the table of contents to this chapter. Copies of any of these documents may be obtained from any office of the Wage and Hour and Public Contracts Divisions.

BASIC COVERAGE AND EXEMPTIONS PROVISIONS AFFECTING APPLICATION OF EQUAL REQUIREMENTS

§ 800.5 Basic coverage as related to the equal pay provisions.

The equal pay provisions neither extend nor curtail coverage of the Fair Labor Standards Act but simply place within the new requirements those employers and employees who were already subject to the Act's minimum wage requirements (H. Rept. No. 309, 88th Cong., 1st sess., p. 2). The nature of the employment coming within the basic or general coverage of the Act should therefore be clearly understood. The general coverage of the Act extends, and its requirements apply except as otherwise provided by a specific exemption, to every employee who is "engaged in commerce or in the production of goods for commerce" and every employee who is "employed in an enterprise engaged in commerce or in the production of goods for commerce" or "by an establishment" qualifying as such an enterprise, as specified and defined in the statute. What employees are so engaged or employed must be ascertained in the light of the definitions and delimitations set forth in the statute, giving due regard to authoritative interpretations by the courts and to the legislative history of the Act, as amended. In §§800.6 to 800.12, the employment which comes within this basic coverage is briefly outlined. For a more comprehensive discussion and a detailed explanation of the applicable principles, reference should be made to the interpretations on general coverage contained in Part 776 of this chapter.

§ 800.6 General coverage of employees "engaged in commerce".

(a) The minimum wage provisions of the Act have applied since 1938, and continue to apply along with the new equal pay provisions, except as otherwise provided by specific exemptions in the Act, to employees "engaged in commerce". "Commerce" is broadly defined in section 3(b) of the Act. It includes both interstate and foreign commerce and is not limited to transportation across State lines, or to activity of a commercial character. All parts of the movement among the several States or between any State and any place outside thereof of persons or things, tangibles or intangibles, including communication of information and intelligence constitute movement in "commerce" within the statutory definition. This includes those parts of any such activity which take place wholly within a single State. In addition, the instrumentalities for carrying on such commerce are so inseparable from the commerce itself that employees working on such instrumentalities within the borders of a single State are, by virtue of the contribution made by their work to the movement of the commerce, "engaged in commerce" within the meaning of the Act.

(b) Consistent with the purpose of the Act to apply the Federal standards "throughout the farthest reaches of the channels of interstate commerce", the courts have made it clear that the employees "engaged in commerce" to whom coverage is extended include every employee employed in the channels of such commerce or in activities so closely related to such commerce as to be considered a part of it as a practical matter.

See Walling v. Jacksonville Paper Co., 317 U.S. 564; Overstreet v. North Shore Corp., 318 U.S. 125; Mitchell v. Volmer, 349 U.S. 427; Mitchell v. Lublin, 358 U.S. 207; see also Borden Co. v. Borella, 325 U.S. 679; and see the discussion, with other pertinent court decisions cited, in Part 776 of this chapter. Engaging "in commerce" includes activities connected therewith such as management and control of the various physical processes, together with the accompanying accounting and clerical activities. Thus, employees engaged in interstate or foreign commerce will typically include, among others, employees in distributing industries such as wholesaling or retailing who sell, transport, handle, or otherwise work on goods moving in interstate or foreign commerce as well as workers who order, receive, guard, pack, ship, or keep records of such goods; employees who handle payroll or personnel functions for workers engaged in such activities; clerical and other workers who regularly use the mails, telephone, or telegraph for communication across State lines; and employees who regularly travel across State lines while working. For other illustrations see Part 776 of this chapter.

§ 800.7 General coverage of employees "engaged in * * * the production of goods for commerce".

(a) The minimum wage provisions of the Act also have applied since 1938, and continue to apply along with the new equal pay provisions, except as otherwise provided by specific exemptions in the Act, to employees "engaged in * * * the production of goods for commerce". The broad meaning of "commerce" as defined in section 3(b) of the Act has been outlined in § 800.6. "Goods" is also comprehensively defined in section 3(i) of the Act, and includes "articles or subjects of commerce of any character, or any part or ingredient thereof" not expressly excepted by the statute. The activities constituting "production" of the goods for commerce are defined in section 3(j) of the Act. These are not limited to such work as manufacturing but include handling or otherwise working on goods intended for shipment out of the State either directly or indirectly or for use within the State to serve the needs of the instrumentalities or facilities by which interstate or foreign commerce is carried on. See United States v. Darby, 312 U.S. 100; Alstate Constr. Co. v. Durkin, 345 U.S. 13. Employees engaged in any closely related process or occupation directly essential to such production of any goods, whether employed by the producer or by an independent employer, are also engaged, by definition, in "production". See § 800.8 and the detailed discussion in Part 776 of this chapter. Further, the courts have recognized that an enterprise producing goods for commerce does not accomplish the actual production of such goods solely with employees performing physical labor on them. Thus, in Borden v. Borella, 325 U.S. 679, it was held that employees engaged in the administration, planning, management, and control of the various physical processes together with the accompanying clerical and accounting activities are, from a productive standpoint and for purposes of the Act, "actually engaged in the production of goods for commerce just as much as are those who process and work on the tangible products" in the manufacturing plants or other producing facilities of the enterprise.

(b) Typically, but not exclusively, employees engaged in the production of goods for interstate or foreign commerce include those who work in manufacturing, processing, and distributing establishments, including wholesale and retail establishments, that "produce" (including handle or work on) goods for such commerce. This includes everyone employed in such establishments, or elsewhere in the enterprises by which they are operated, whose activities constitute "production" of such goods under the principles outlined in paragraph (a) of this section. Thus, employees who sell, process, load, pack, or otherwise handle or work on goods which are to be shipped or delivered outside the State either by their employer or by another firm, and either in the same form or as a part or ingredient of other goods, are engaged in the production of goods for commerce within the coverage of the Act. So also are the office, management, sales, and shipping personnel, and maintenance, custodial, and protective employees who perform, as a part of the integrated effort for the production of the goods for commerce, services related to such production or to such goods or to the plant, equipment, or personnel by which the production is accomplished.

§ 800.8 "Closely related" and "directly essential" activities.

As previously noted in § 800.7 an employee is engaged in the production of goods for interstate or foreign commerce within the meaning of the general coverage provisions of the Act even if his work is not an actual and direct part of such production, so long as he is engaged in a process or occupation which is "closely related" and "directly essential" to it. This is true whether he is employed by the producer of the goods or by someone else who provides goods or services to the producer. See in this connection Kirschbaum v. Walling, 316 U.S. 517, and Mitchell v. Joyce Agency, 348 U.S. 945, affirming 110 F. Supp. 918. A full discussion of "closely related" and "directly essential" work is contained in Part 776 of this chapter. Typical of employees covered under these principles are bookkeepers, stenographers, clerks, accountants, and auditors and other office and white-collar workers, and employees doing payroll, timekeeping, and time study work for the producer of goods; employees in the personnel, labor relations, safety and health, advertising, promotion, and public relations activities of the producing enterprise; work instructors for the producers; employees maintaining, servicing, repairing or improving the buildings, machinery, equipment, vehicles or other facilities used in the production of goods for commerce, and such custodial and protective employees as watchmen, guards, firemen, patrolmen, caretakers, stockroom workers and warehousemen; and transportation workers bringing supplies, materials, or equipment to the producer's premises, removing waste materials therefrom, or transporting materials or other goods, or performing such other transportation activities, as the needs of production may require. These examples are illustrative, rather than exhaustive, of the employees who are "engaged in the production of goods for commerce" by reason of performing activities closely related and directly essential to such production.

§ 800.9 What goods are considered as produced for commerce.

Goods (as defined in 3(i) of the Act) are "produced for commerce" if they are "produced, manufactured, mined, handled or in any other manner worked on" in any State for sale, trade, transportation, transmission, shipment, or delivery, to any place outside thereof. Goods are produced for commerce where the producer intends, hopes, expects, or has reason to believe that the goods or any unsegregated part of them will move (in the same or in an altered form or as a part or ingredient of other goods) in interstate or foreign commerce. If such movement of the goods in commerce can reasonably be anticipated by the producer when the goods are produced, it makes no difference whether he himself or the person to whom the goods are transferred puts the goods in interstate or foreign commerce. The fact that goods do move in interstate or foreign commerce is strong evidence that the producer intended, hoped, expected, or had reason to believe that they would so move. Goods may also be produced "for commerce" where they are to be used within the State and not transported in any form across State lines. This is true where the use to which they are put is one which serves the needs of the instrumentalities or facilities by which interstate or foreign commerce is carried on within the State. These principles are discussed comprehensively in Part 776 of this chapter.

§ 800.10 Coverage is not based on amount of covered activity.

The Act makes no distinction as to the percentage, volume, or amount of activities of either the employee or the employer which constitute engaging in commerce or in the production of goods for commerce. (Mabee v. White Plains Publishing Co., 327 U.S. 128; United States v. Darby, 312 U.S. 100.) As explained more fully in Part 776 of this chapter, the law is settled that every employee whose activities in commerce or in the production of goods for commerce, even though small in amount, are regular and recurring, is considered "engaged in commerce or in the production of goods for commerce". Also, under the definition in section 3(s) of the Act, an enterprise described in any of the five numbered clauses of the subsection is an enterprise "engaged in commerce or in the production of goods for commerce" if, in its activities, some employees are so engaged, "including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person".

§ 800.11 "Enterprise" coverage.

The scope of the added coverage on an enterprise basis, which was provided by amendments to the Act, is determined with reference to the special definitions of the term "enterprise" in section 3(r) of the Act and of the term "enterprise engaged in commerce or in the production of goods for commerce" under section 3(s). Under these enterprise coverage provisions, if an enterprise or establishment is an "enterprise engaged in commerce or in the production of goods for commerce" as defined and delimited in section 3(s) of the Act, every employee employed in such enterprise or by such establishment is within the coverage of the minimum wage and the equal pay provisions, except as otherwise specifically provided by the Act. "Enterprise" coverage is discussed comprehensively elsewhere in this chapter. A detailed discussion of the statutory definition of "enterprise" and of enterprise coverage as it relates to enterprises which have retail or service establishments and as it relates to gasoline service establishments is contained in Part 779 of this chapter.

§ 800.12 Exemptions from section 6 provided by section 13.

The equal pay provisions do not apply to employees exempted from the provisions of section 6 under any provision of section 13(a) of the Act. The following employees are among those excluded if their employment fully satisfies all the statutory conditions for exemption: bona fide executive, administrative, and professional employees and outside salesmen, as defined in regulations (see Part 541 of this chapter); employees of certain retail or service establishments (see Part 779 of this chapter); employees of certain nonindustrial laundries and dry cleaning establishments (see Part 781 of this chapter); employees of certain small newspapers (see Act, sec. 13(a)(8)); employees of urban and interurban transit systems which have less than $1,000,000 in annual gross sales (see Act, sec. 13(a)(9)); switchboard operators of independent telephone companies which have fewer than 750 telephones (see Act, sec. 13(a)(11)); employees of a taxicab business (see Act, sec. 13(a)(12)); employees employed in fishing and fish farming (see Part 784 of this chapter); farm workers and employees engaged in specified operations relating to agricultural or horticultural commodities (see Part 780 of this chapter); seamen employed on vessels other than American vessels (see Part 783 of this chapter); employees in certain small forestry and logging operations (see Part 788 of this chapter).

Subpart B—The Equal Pay Provisions

THE STATUTORY PROVISIONS

§ 800.100 Section 6(d) of the Act.

The Equal Pay Act of 1963 amended section 6 of the Fair Labor Standards Act by adding thereto a new subsection (d) as follows:

(d) (1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

(4) As used in this subsection, the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

§ 800.101 Effective date of equal pay requirements.

(a) Section 4 of the Equal Pay Act of 1963 provides as follows with respect to the effective date of its amendments to the Fair Labor Standards Act:

SEC. 4. The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: *Provided*, That in the case of employees covered by a bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d)(4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall first occur.

(b) Under the above provision, on and after June 11, 1965, the equal pay provisions are effective with respect to all employment subject to their terms. On and after June 11, 1964, these provisions were applicable to most such employment. However, their application was deferred as to employees covered by bona fide collective bargaining agreements, which were in effect on May 11, 1963, and which did not terminate until some date after June 11, 1964. As to employees covered by such agreements the provisions became effective on the termination date of the agreement or on June 11, 1965, whichever was the earlier date.

APPLICATION OF PROVISIONS IN GENERAL

§ 800.102 Application to employers.

The prohibition against discrimination in wages on account of sex contained in section 6(d)(1) of the Act (see § 800.100) is applicable to every employer having employees subject to a minimum wage under the Act. The employer may not discriminate on the basis of sex against such employees in any establishment (see § 800.103) in which such employees are are employed by him by paying them wages at rates lower than he pays employees of the opposite sex employed in the same establishment for work subject to the equal pay standard—that is, where equal work is performed by such employees and by employees of the opposite sex on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. (See §§ 800.120–800.132.) The Act excepts from this general prohibition such differences between the wage rates for such work performed by men and women employed by the employer in the establishment as can be shown to be based on a factor or factors other than sex. (See §§ 800.140–800.150.) It is clear from the proviso included in section 6(d)(1) that where a wage rate differential in violation of the provision is paid, the violation cannot be corrected by reducing the wage rate of any employee.

§ 800.103 Application to establishments.

The prohibition against discrimination in wages on account of sex contained in section 6(d)(1) of the Act applies "within any establishment" in which employees who must be paid a minimum wage under section 6 are employed by an employer. The term "establishment" as used in section 6(d)(1) has the same meaning as it has in section 13(a)(2) and elsewhere in the Act. (See § 800.108.) It should be kept in mind, in determining an employer's obligations under the equal pay provisions, that "employer" and "establishment" as used in these and other provisions of the Act are not synonymous terms. An employer may have more than one establishment in which he employs employees within the meaning of the Act. In such cases, the legislative history makes clear that there shall be no comparison between wages paid to employees in different establishments.

§ 800.104 Application to employees.

As has been seen, there must be compliance by the employer with the equal pay requirements within any establishment in which employees subject to the Act's minimum wage provisions are employed by him. The Act's concern with wage discrimination by an employer on account of sex to the detriment of his employees who are subject to the minimum wage provisions is not limited either by its language or by its legislative history to those employees whose work is performed on the premises of their employer's establishment. The Act speaks of the employment of employees in the establishment rather than of their engagement in work there. Also, the legislative history of the Equal Pay Act makes it clear that coverage under the equal pay provisions is equal to that provided by the other provisions of section 6 of the Fair Labor Standards Act, and that those employers and employees who are subject to the minimum wage provisions will be subject to the new provisions on equal pay. (See S. Rept. No. 176, 88th

Cong., 1st sess., p. 2; H. Rept. No. 309, 88th Cong., 1st sess., p. 2.) Congress clearly rejected the concept that the equal pay provisions apply only to work performed inside a physical establishment. Otherwise, those employees, subject to section 6 of the Act, would be incongruously deprived of equal pay protection simply because their work is performed away from the physical premises of the establishment in which they are employed. For example, employees of a "shopping service" whose work is performed in clients' establishments, rather than on their employer's premises, are nonetheless to be considered employed in their employer's establishment. See Willmark Service Inc. v. Wirtz, 317 F. 2d 486, cert. den., 375 U.S. 897. Similarly, where the only "establishment" of a contractor performing building maintenance services is his office, from which all work is directed, contracts taken, assignments made, employees paid, and related operations carried on, all employees whose work is directed from that place of business are considered to be employed in that establishment. See Mitchell v. Kletjian, d.b.a. University Cleaning Co., 286 F. 2d 40 (C.A. 1).

§ 800.105 Employees not subject to provisions.

An employee may be employed in an establishment by an employer subject to the equal pay provisions, and yet not be protected by these provisions. Unless such an employee is one to whom the minimum wage provisions apply, the Act does not afford protection from a discrimination in wages based on sex between such employee and an employee of the opposite sex. This is true both with respect to employees who are not covered under section 6 and with respect to employees to whom section 6 cannot apply by reason of an express exemption in section 13(a). (See § 800.12.) More particularly, the equal pay standards have no application with respect to wages paid employees who are neither engaged in or in the production of goods for interstate commerce nor employed in an enterprise which is so engaged.

§ 800.106 Application to labor organizations.

Section 6(d)(2) of the Act prohibits a labor organization, representing employees of an employer having employees subject to the minimum wage provisions of section 6, from engaging in acts that cause or attempt to cause the employer to discriminate against an employee in violation of the equal pay provisions. Agents of the labor organization are also prohibited from doing so. Thus, such a labor organization and its agents must refrain from strike or picketing activities aimed at inducing an employer to institute or maintain a prohibited wage differential, and must not demand any terms or any interpretation of terms in a collective bargaining agreement with such an employer which would require the latter to discriminate in the payment of wages contrary to the provisions of section 6(d)(1). Section 6(d)(2), together with the special provision in section 4 of the Equal Pay Act of 1963 allowing a deferred effective date for application of the equal pay provisions to employees covered by specified existing collective bargaining agreements (see § 800.101) are indicative of the legislative intent that in situations where wage rates are governed by collective bargaining agreements, unions representing the employees shall share with the employer the responsibility for ensuring that the wage rates required by such agreements will not cause the employer to make payments that are not in compliance with the equal pay provisions. Thus, where equal work is being performed within the meaning of the statute, a wage rate differential which exists between male and female employees cannot be justified on the ground that it is a result of negotiation by the union with the employer, for negotiation of such a discriminatory wage differential is prohibited under the terms of the equal pay amendment.

Definitions Pertinent to Application

§ 800.107 "Employer", "employee", "employ" defined.

The Act provides its own definitions of "employer", "employee", and "employ", under which "economic reality" rather than "technical concepts" determines whether there is employment subject to its terms (Goldberg v. Whitaker House Cooperative 366 U.S. 28; United States v. Silk, 331 U.S. 704; Rutherford Food Corp. v. McComb, 331 U.S. 722). An "employer", as defined in section 3(d) of the Act, "includes any person acting directly or indirectly in the interest of an employer in relation to an employee but shall not include the United States or any State or political subdivision of a State, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization". An "employee" as defined in section 3(e) of the Act "includes any individual employed by an employer" and "employ", as used in the Act, is defined in section 3(g) to include "to suffer or permit to work". It should be noted, as explained in the interpretative bulletin on joint employment, Part 791 of this chapter, that in appropriate circumstances two or more employers may be jointly responsible for compliance with the statutory requirements applicable to employment of a particular employee.

§ 800.108 Meaning of "establishment".

Although not expressly defined in the Act, the term "establishment" has a well settled meaning in the application of the Act's provisions. It refers to a "distinct physical place of business" rather than to "an entire business or enterprise" which may include several separate places of business. This is consistent with the meaning of the term as it is normally used in business and in government, is judicially settled, and has been recognized in the Congress in the course of enactment of amendatory legislation (Phillips v. Walling, 324 U.S. 490; Mitchell v. Bekins Van & Storage Co., 352 U.S. 1027; 95 Cong. Rec. 12505, 12579, 14877; H. Rept. No. 1453, 81st Cong., 1st sess., p. 25). Each physically separate place of business is ordinarily considered a separate establishment. For example, where a manufacturer operates at separate locations a plant for production of its goods, a warehouse for storage and distribution, several stores from which its products are sold, and a central office for the enterprise, each physically separate place of business is a separate establishment. Under certain circumstances, however, two or more portions of a business enterprise, even though located on the same premises and under the same roof, may constitute more than one establishment. This would ordinarily be the case only if these portions of the enterprise are both physically segregated and engaged in operations which are functionally separated from each other and which have separate employees and maintain separate records. The application of these principles is illustrated further and in more detail by the discussion in §§ 779.303–779.306 of Part 779 of this chapter of the term "establishment" as it relates to retail or service establishments within the meaning of sections 3(s)(1) and 13(a)(2) of the Act.

§ 800.109 "Labor organization" defined.

For purposes of application to labor organizations of the requirements of section 6(d) of the Act and the enforcement of such requirements under sections 16 and 17 (see § 800.166), section 6(d)(4) of the Act defines the term "labor organization" as meaning "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work." This is the same definition of "labor organization" that is used in the Labor Management Relations Act, 1947, and will be applied in the same manner.

§ 800.110 Meaning of "wages".

The term "wages" used in section 6(d)(1) of the Act is considered to have the same meaning it has elsewhere in the Act. As a general rule, in determining compliance with the equal pay provisions, the wages paid by the employer will be calculated pursuant to the same principles and procedures as have traditionally been followed in calculating such wages for purposes of determining compliance with the minimum wage provisions of the Act. Wages paid to an employee generally include all payments made to or on behalf of the employee as remuneration for employment. The provisions of section 7(d) of the Act under which some such payments may be excluded in computing an employee's "regular rate" of pay for purposes of section 7 do not authorize the exclusion of any such remuneration from the "wages" of an employee in applying section 6(d) of the Act. Thus, vacation and holiday pay, and premium payments for work on Saturdays, Sundays, holidays, regular days of rest, or other days or hours in excess or outside of the employee's regular days or hours of work, are remuneration for employment and

therefore wage payments that must be considered in applying the equal pay provisions of the Act, even though not a part of the employee's "regular rate". On the other hand, payments made by an employer to an employee which do not constitute remuneration for employment are not "wages" to be compared for equal pay purposes under section 6(d) of the Act. Examples are payments related to maternity, and such reasonable payments for reimbursable expenses of traveling on the employer's business as are discussed in § 778.217 of this chapter.

§ 800.111 Wage "rate".

The term wage "rate" used in section 6(d)(1) of the Act is considered to encompass all rates of wages whether calculated on a time, piece, job, incentive or other basis. The term includes the rate at which overtime compensation or other special remuneration is paid as well as the rate at which straight time compensation for ordinary work is paid. The term also includes the rate at which a "draw", advance, or guarantee is paid against a commission settlement.

§ 800.112 Cost or value of non-cash items as included in wages.

The reasonable cost or fair value of certain perquisites, as provided in section 3(m) of the Act and Part 531 of this chapter is, by definition, a part of the wage paid to an employee for purposes of the Act. Section 3(m) provides that the wage paid to any employee includes "the reasonable cost, as determined by the Secretary of Labor, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees". As an exception to this rule, section 3(m) provides the cost of board, lodging, or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective-bargaining agreement applicable to the particular employee. A further provision of section 3(m) authorizes the Secretary "to determine the fair value of such board, lodging, or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value." The statute directs that such evaluations, "where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee". As explained in Part 531 of this chapter, it is the above provision of the Act which governs the payment, otherwise than in cash, of wages which the Act requires. Regulations under which the reasonable cost or fair value of such facilities furnished may be computed for inclusion as part of the wages required by the Act are also contained in Part 531 of this chapter.

§ 800.113 Particular types of payments as wages.

In addition to the examples referred to in §§ 800.110–800.112, some further illustrations of the types of payments that must be considered in computing wages and wage rates for purposes of the equal pay provisions may be helpful. The Act requires comparison of the wage rates paid for "work on jobs", which makes relevant all remuneration for employment and not just that portion which constitutes compensation for particular hours of employment or particular work done. Clearly this includes all payments that may be counted as part of the minimum wage rate per hour required under section 6 of the Act, all payments that are part of the employee's regular rate under section 7 of the Act, and all overtime premiums. It includes in addition, however, other payments (such as the holiday and vacation pay previously mentioned in § 800.110) for the employee's work on the job as a whole which may have no direct relation to particular hours or weeks of work; and the inclusion of such payments in the wages compared for equal pay purposes does not depend on whether they can be counted as a part of the wage rate per hour required under section 6 as a minimum wage or whether they constitute part of the regular rate of pay under section 7. In accordance with the foregoing principles, the wages to be considered in determining compliance with the equal pay provisions include, in addition to such payments as hourly and daily wages, sums paid as weekly, monthly, or annual salaries; wages measured by pieces produced or tasks performed; commissions, bonuses or other payments measured by production, efficiency, attendance, or other job-related factors, or agreed to be paid under the employment contract; standby and on-call pay; and extra payments made for hazardous, disagreeable, or inconvenient working conditions. These are illustrative, although not exhaustive, of the types of payments included, when part of the remuneration for employment, in the wages to be compared where employees of opposite sexes are employed in jobs subject to the equal pay standard. On the other hand, the "wages" which are compared for equal pay purposes do not include bona fide gifts or payments in the nature of gifts which would be excluded from the employee's regular rate under section 7(d)(1) of the Act and 29 CFR 778.212. Likewise, sums paid as discretionary bonuses are not considered wages for equal pay purposes if such payments meet the requirements of section 7(d)(3)(a) of the Act and 29 CFR 778.211. Study is still being given to some categories of payments made in connection with employment subject to the Act, to determine whether and to what exent such payments are remuneration for employment that must be counted as part of wages for equal pay purposes. These categories of payments include sums paid in recognition of services performed during a given period pursuant to a bona fide profit-sharing plan or trust meeting the requirements of 29 CFR 549 or pursuant to a bona fide thrift or savings plan meeting the requirements of 29 CFR 547, and contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees. (See 29 CFR 778.214–778.215.)

Equality of Pay

§ 800.114 "Male jobs" and "female jobs" generally.

Wage classification systems which designate certain jobs as "male jobs" and other jobs as "female jobs" frequently specify markedly lower rates for the "female jobs". Because such a practice frequently indicates a pay practice of discrimination based on sex, where such systems exist a serious question would be raised as to whether prohibited wage differentials are involved. This position is consistent with that taken by the National War Labor Board which found such systems inherently discriminatory and explained that it is not consistent with the principle of equal pay for equal work to designate certain jobs as "female jobs" and other jobs as "male jobs" and on that ground alone establish rate differentials against the former and in favor of the latter. The Board held that the equal pay principle requires that proper rates be set for all jobs, based upon a fair objective evaluation of duties and functions, irrespective of the sex of the workers assigned to them (General Electric Co. and Westinghouse Electric Corp., Case No. 111–17208–D and 111–17209–D, Dec. 12, 1945).

§ 800.115 Inequalities in pay that raise questions under the Act.

It is necessary to scrutinize with especial care those inequalities in pay between employees of opposite sexes which may indicate a pattern of discrimination in wage payment that is based on sex. Thus, a serious question would be raised where such an inequality, allegedly based on a difference in job content, is in fact one in which the employees occupying the job purportedly requiring the higher degree of skill, effort, or responsibility receives the lower wage rate. Likewise, because the equal pay amendment was designed to eliminate wage rate differentials which are based on sex, situations will be carefully scrutinized where employees of only one sex are concentrated in the lower grades of the wage scale, and where there does not appear to be any material relationship other than sex between the lower wage rates paid to such employees and the higher rates paid to employees of the opposite sex. Such concentrations in rate range situations may occur also where an employer follows a practice of paying a range of rates to newly hired employees. Differentials in entrance rates will not constitute a violation of the equal pay principle if the factors taken into consideration in determining which rate is to be paid each employee are applied equally to men and women. This would be true, for example, if all persons who have a parent employed by the firm are paid at the highest rate of the rate range whether they are men or women. However, if in a particular establishment all persons of one sex tend to be paid at the lowest rate of the range and employees of the opposite sex hired to perform the same work tend to be paid at the highest rate of the range, and if

no specific factor or factors other than sex appear to be associated with the difference in pay, a serious question would be raised as to whether the pay practice involves prohibited wage differentials.

§ 800.116 Equality and inequality of pay in particular situations.

(a) *Overtime work.* Because overtime premiums are a part of wages for purposes of the equal pay provisions, where men and women receive the same straight-time rates for work subject to the equal pay standards, but the men receive an overtime premium rate of twice the straight-time rate while the women receive only one and one-half times the straight-time rate for overtime, a prohibited wage rate differential is being paid. On the other hand, where male and female employees perform equal work during regular hours but employees of one sex only continue working overtime into another work period, work performed during this later period may be compensated at a higher rate where such is required by law or is the customary practice of the employer. However, in such a situation the payment of the higher rate to employees of one sex for all hours worked, including the nonovertime hours when they are performing equal work with employees of the opposite sex, would result in a violation of the equal pay provisions. If male and female employees are performing equal work in the establishment during regular hours but only some of these employees continue working into an overtime period, payment of a higher wage rate for the overtime worked would not be in violation of the equal pay standard so long as it were paid for the actual overtime hours worked by the employees, whether male or female.

(b) *Special assignments.* The fact that an employee may be required to perform an additional task outside his regular working hours would not justify payment of a higher wage rate to that employee for all hours worked. However, employees who are assigned a different and unrelated task to be performed outside the regular workday may under some circumstances be paid at a different rate of pay for the time spent in performing such additional duty provided such rate is commensurate with the task performed. For example, suppose a male employee is regularly employed in the same job with female employees in the same establishment in work which requires equal skill, effort, and responsibility and is performed under similar working conditions, except that the male employee must carry money to a bank after the establishment closes at night. Such an employee may be paid at a different rate for the time spent in performing this unrelated task if the rate is appropriate to the task performed and the payment is bona fide and not simply used as a device to escape the equal pay requirements of the Act.

(c) *Vacation or holiday pay.* Since vacation or holiday pay is deemed to be remuneration for employment included in wages within the meaning of the Act, if employees of one sex receive vacation pay for a greater number of hours than employees of the opposite sex, a prohibited wage rate differential is being paid if their work is subject to the equal pay standard and the differential is not shown to come within any of the specified exceptions.

(d) *Contributions to employee benefit plans.* If employer contributions to a plan providing insurance or similar benefits to employees are equal for both men and women, no wage differential prohibited by the equal pay provisions will result from such payments, even though the benefits which accrue to the employees in question are greater for one sex than for the other. The mere fact that the employer may make unequal contributions for employees of opposite sexes in such a situation will not, however, be considered to indicate that the employer's payments are in violation of section 6(d), if the resulting benefits are equal for such employees.

(e) *Commissions.* The establishment of different rates of commission on different types of merchandise would not result in a violation of the equal pay provisions where the factor of sex provides no part of the basis for the differential.

§§ 800.117–800.118 [Reserved]

THE EQUAL PAY FOR EQUAL WORK STANDARD—GENERALLY

§ 800.119 The job concept in general.

Section 6(d)(1) of the Act prohibits an employer from paying to employees of one sex wages at rates lower than he pays employees of the opposite sex for "equal work on jobs" described by the statute in terms of equality of the "skill, effort, and responsibility" required for performance and similarity of the "working conditions" under which they are performed. This descriptive language refers to "jobs". In applying the various tests of equality to the requirements for the performance of such jobs, it will generally be necessary to scrutinize the job as a whole and to look at the characteristics of the jobs being compared over a full work cycle. This will be true because the kinds of activities required to perform a given job and the amount of time devoted to such activities may vary from time to time. As the legislative history makes clear, the equal pay standard provided by the Act is designed to eliminate any wage rate differentials which are based on sex; nothing in the equal pay provisions is intended to prohibit differences in wage rates that are based not at all on sex but wholly on other factors. (See S. Rept. No. 176, 88th Cong. 1st sess., p. 4; H. Rept. No. 309, 88th Cong. 1st sess., p. 2.)

§ 800.120 Effect of differences between jobs in general.

There is evidence that Congress intended that jobs of the same or closely related character should be compared in applying the equal pay for equal work standard (Daily Congressional Record, House, May 23, 1963, pp. 8686, 8698). Jobs that require equal skill, effort, and responsibility in their performance within the meaning of the Act are usually not identical in every respect (Daily Congressional Record, Senate, May 28, 1963, p. 9219). Congress did not intend that inconsequential differences in job content would be a valid excuse for payment of a lower wage to an employee of one sex than to an employee of the opposite sex if the two are performing equal work on essentially the same jobs in the same establishment. It will be remembered in this connection that the National War Labor Board (to the experience of which attention is directed in the Senate and House Committee Reports) developed a policy of ignoring inconsequential differences in job content in administering equal pay for equal work provisions (Brown & Sharp Manufacturing Co. Case No. 2228–D, September 25, 1942). On the other hand, it is clear that Congress did not intend to apply the equal pay standard to jobs substantially differing in their terms and conditions. Thus, the question of whether a female bookkeeper should be paid as much as a male file clerk required to perform a substantially different job is outside the purview of the equal pay provisions. It is also clear that the equal pay standard is not to be applied where only men are employed in the establishment in one job and only women are employed in a dissimilar job. For example, the standard would not apply where only women are employed in clerk typist positions and only men are employed in jobs as administrative secretaries if the latter really require substantially different duties.

§ 800.121 Job content controlling.

Application of the equal pay standard is not dependent on job classifications or titles but depends rather on actual job requirements and performance. For example, the fact that jobs performed by male and female employees may have the same total point value under an evaluation system in use by the employer does not in itself mean that the jobs concerned are equal according to the terms of the statute. Conversely, although the point values allocated to jobs may add up to unequal totals, it does not necessarily follow that the work being performed in such jobs is unequal when the statutory tests of the equal pay standard are applied. Job titles are frequently of such a general nature as to provide very little guidance in determining the application of the equal pay standard. For example, the job title "clerk" may be applied to employees who perform a variety of duties so dissimilar as to place many of them beyond the scope of comparison under the statute. Similarly, jobs included under the title "stock clerk" may include an employee of one sex who spends all or most of his working hours in shifting and moving goods in the establishment whereas another employee of the opposite sex, may also be described as a "stock clerk" but be engaged entirely in checking inventory. Clearly, the equal pay standard would not apply where jobs require such substantially different duties, even though the job titles are identical. In other situations, including those which exist in the case of jobs identified by the general title "retail clerks", the facts may show that equal skill, effort, and responsibility are required in the jobs of male and fe-

male employees notwithstanding they are engaged in selling different kinds of merchandise. In all such situations, the application of the equal pay standard will have to be determined by applying the terms of the statute to the full factual situation.

§ 800.122 General guides for testing equality of jobs.

(a) What constitutes equal skill, equal effort, or equal responsibility cannot be precisely defined. In interpreting these key terms of the statute, the broad remedial purpose of the law must be taken into consideration. The terms are considered to constitute three separate tests, each of which must be met in order for the equal pay standard to apply. In applying the tests it should be kept in mind that "equal" does not mean "identical" (Daily Congressional Record, Senate, May 28, 1963, p. 9219). Insubstantial or minor differences in the degree or amount of skill, or effort, or responsibility required for the performance of jobs will not render the equal pay standard inapplicable. On the other hand, substantial differences, such as those customarily associated with differences in wage levels when the jobs are performed by persons of one sex only, will ordinarily demonstrate an inequality as between the jobs justifying differences in pay. In determining whether job differences are so substantial as to make jobs unequal, it is pertinent to inquire whether and to what extent significance has been given to such differences in setting the wage levels for such jobs. Such an inquiry may, for example, disclose that apparent differences between jobs have not been recognized as relevant for wage purposes and that the facts as a whole support the conclusion that the differences are too insubstantial to prevent the jobs from being equal in all significant respects under the law.

(b) To illustrate, where employees of opposite sexes are employed in jobs in which the duties they are required to perform and the working conditions are substantially the same, except that an employee of one sex is required to perform some duty or duties involving a higher skill which an employee of the other sex is not required to perform, the fact that the duties are different in this respect is insufficient to remove the jobs from the application of the equal pay standard if it also appears that the employer is paying a lower wage rate to the employee performing the additional duties notwithstanding the additional skill which they involve. In other situations, where employees of opposite sex are employed in jobs which are equal in the levels of skill, effort, and responsibility required for their performance, it may be alleged that the assignment to employees of one sex but not the other of certain duties requiring less skill makes the jobs too different for comparison under the equal pay provisions. But so long as the higher level of skill is required for the performance of the jobs occupied by employees of both sexes, the fact that some of the duties assigned to employees of one sex require less skill than the employee must have for the job as a whole does not warrant any conclusion that the jobs are outside the purview of the equal pay standard. Such a conclusion would be especially inappropriate if the employees of the sex to whom the less skilled work was assigned received a higher rate of pay. There are, of course, situations in which a review of all the pertinent facts will clearly establish that the male and female employees in question are not performing equal work on jobs which are equal in their requirements of skill, effort, and responsibility and which are performed under similar working conditions. Where it is clear that this is so, the existence or extent of a wage differential between employees of opposite sexes cannot of itself provide a basis for holding an employer liable for violations under the provisions of section 6(d) of the Act.

§ 800.123 Determining equality of job content in general.

In determining whether differences in job content are substantial in order to establish whether or not employees are performing equal work within the meaning of the Act, the amounts of time which employees spend in the performance of different duties are not the sole criteria. It is also necessary to consider the degree of difference in terms of skill, effort, and responsibility. These factors are related in such a manner that a general standard to determine equality of jobs cannot be set up solely on the basis of a percentage of time. Consequently, a finding that one job requires employees to expend greater effort for a certain percentage of their working time than employees performing another job, would not in itself establish that the two jobs do not constitute equal work. Similarly, the performance of jobs on different machines or equipment would not necessarily result in a determination that the work so performed is unequal within the meaning of the statute if the equal pay provisions otherwise apply. If the difference in skill or effort required for the operation of such equipment is inconsequential, payment of a higher wage rate to employees of one sex because of a difference in machines or equipment would constitute a prohibited wage rate differential. Likewise, the fact that jobs are performed in different departments or locations within the establishment would not necessarily be sufficient to demonstrate that unequal work is involved where the equal pay standard otherwise applies. This is particularly true in the case of retail establishments, and unless a showing can be made by the employer that the sale of one article requires such a higher degree of skill or effort than the sale of another article as to render the equal pay standard inapplicable, it will be assumed that the salesmen and saleswomen concerned are performing equal work. Although the equal pay provisions apply on an establishment basis and the jobs to be compared are those in the particular establishment, all relevant evidence that may demonstrate whether the skill, effort, and responsibility required in the jobs at the particular establishment are equal should be considered, whether this relates to the performance of like jobs in other establishments or not.

§ 800.124 Comparing "exempt" and "nonexempt" jobs.

Situations sometimes arise in which it is alleged that lower wages are being paid, in violation of the Act, to a nonexempt employee than to an exempt employee of the opposite sex for equal work on jobs said to be equal within the meaning of the Act. Usually it is necessary in such a case to scrutinize carefully the respective job requirements, working conditions, and pay arrangements before it is possible to reach an informed judgment as to the existence of any violation of the Act. To illustrate, suppose it is alleged that employees of opposite sexes are performing equal work within the meaning of the Act and that a wage discrimination on account of sex exists because one of such employees, but not the other, is paid the minimum compensation on a salary basis which is required for exemption as a bona fide executive or administrative employee and is treated by the employer as such an exempt employee under section 13(a)(1) of the Act and the regulations in 29 CFR Part 541. In such a case, regard must be had to the fact that the regulations define an employee employed in a bona fide executive or administrative capacity in terms of the coexistence of a number of factors, only one of which is the recepit of compensation in a specified minimum amount on a salary basis. The existence of all these factors must be verified to determine whether the employer is correct in treating the employee who receives such salary as exempt. Regard must also be had to the fact that an employee who qualifies for exemption, because all the factors required by the regulations coexist, may be required to work as many hours as the employer may be able to persuade him to work for the stated salary, without any necessity of compliance by the employer with the minimum wage, equal pay or overtime compensation requirements of the Act. This is important because the fact that another employee of the opposite sex doing similar work does not receive the salary requisite for an exemption under the regulations would not in all cases mean that such employee is being paid at a lower rate of pay. In fact, because the nonexempt employee must receive at least the minimum wage for every hour worked and the prescribed additional compensation at the specified multiple of the regular rate for every such hour in excess of the applicable maximum workweek, it is possible, depending on the length of the workweek, that the pay in the nonexempt job may exceed the salary paid in the exempt job for the identical number of hours worked. For these reasons, a comparison of exempt and nonexempt jobs requires careful examination of all the facts and does not lend itself to the application of any general rules.

EQUAL SKILL

§ 800.125 Jobs requiring equal skill in performance.

The jobs to which the equal pay standard is applicable are jobs requiring equal

skill in their performance. Where the amount or degree of skill required to perform one job is substantially greater than that required to perform another job, the equal pay standard cannot apply even though the jobs may be equal in all other respects. Skill includes consideration of such factors as experience, training, education, and ability. It must be measured in terms of the performance requirements of the job. If an employee must have essentially the same skill in order to perform either of two jobs, the jobs will qualify under the Act as jobs the performance of which requires equal skill, even though the employee in one of the jobs may not exercise the required skill as frequently or during as much of his working time as the employee in the other job. Possession of a skill not needed to meet requirements of the job cannot be considered in making a determination regarding equality of skill. The efficiency of the employee's performance in the job is not in itself an appropriate factor to consider in evaluating skill.

§ 800.126 Comparing skill requirements of jobs.

As a simple illustration of the principle of equal skill, suppose that a man and a woman have jobs classified as typists. Both jobs require them to spend two-thirds of their working time in typing and related activities, such as proofreading and filing, and the remaining one-third in diversified tasks, not necessarily the same. Since there is no difference in the skills required for most of their work, whether or not these jobs require equal skill in performance will depend upon the nature of the work the employees must actually perform during this latter period to meet the requirements of the jobs. If it happens that the man, during the remaining one-third of the time, spends twice as much time operating a calculator as does the woman who prefers and is allowed to do most of the copying work required in the office, this would not preclude a conclusion that the performance of the two jobs requires equal skill if there is actually no distinction in the performance requirements of such jobs so far as the skills utilized in these tasks are concerned. Even if the man were required to do all of the calculating work in order to perform his job, it is not at all apparent that the jobs would require substantially different degrees of skill unless it should appear that operation of that calculator requires more training and can command a higher wage than the typing and related work performed by both the man and the woman, and that the work required to be done by the woman in the remaining one-third of the time requires less training and is recognized as commanding a lower wage whether performed by a man or a woman.

Equal Effort

§ 800.127 Jobs requiring equal effort in performance.

The jobs to which the equal pay standard is applicable are jobs that require equal effort to perform. Where substantial differences exist in the amount or degree of effort required to be expended in the performance of jobs, the equal pay standard cannot apply even though the jobs may be equal in all other respects. Effort is concerned with the measurement of the physical or mental exertion needed for the performance of a job. Where jobs are otherwise equal under the Act, and there is no substantial difference in the amount or degree of effort which must be expended in performing the jobs under comparison, the jobs may require equal effort in their performance even though the effort may be exerted in different ways on the two jobs. Differences only in the kind of effort required to be expended in such a situation will not justify wage differentials.

§ 800.128 Comparing effort requirements of jobs.

To illustrate the principle of equal effort exerted in different ways, suppose that a male checker employed by a supermarket is required to spend part of his time carrying out heavy packages or replacing stock involving the lifting of heavy items whereas a female checker is required to devote an equal degree of effort during a similar portion of her time to performing fill-in work requiring greater dexterity—such as rearranging displays of spices or other small items. The difference in kind of effort required of the employees does not appear to make their efforts unequal in any respect which would justify a wage differential, where such differences in kind of effort expended to perform the job are not ordinarily considered a factor in setting wage levels. Further, the occasional or sporadic performance of an activity which may require extra physical or mental exertion is not alone sufficient to justify a finding of unequal effort. Suppose, however, that men and women are working side by side on a line assembling parts. Suppose further that one of the men who performs the operations at the end of the line must also lift the assembly, as he completes his part of it, and place it on a waiting pallet. In such a situation, a wage rate differential might be justified for the person (but only for the person) who is required to expend the extra effort in the performance of his job, provided that the extra effort so expended is substantial and is performed over a considerable portion of the work cycle. However, a serious question would be raised about the bona fides of a wage differential if it is paid to a male employee who is otherwise performing equal work with female employees on the basis that the male is required to do some heavy lifting, unless a similar distinction in wage rates is made in the establishment as between male employees only where some do heavy lifting and others do not. In general, a wage rate differential based on differences in the degree or amount of effort required for performance of jobs must be applied uniformly to men and women. For example, if all women and some of the men performing a particular type of job do not perform heavy lifting, and some men do, payment of a higher wage rate to all of the men than to the women would constitute a prohibited wage rate differential if the equal pay provisions otherwise apply.

Equal Responsibility

§ 800.129 Jobs requiring equal responsibility in performance.

The jobs to which the equal pay standard applies are jobs in the performance of which equal responsibility is required. Responsibility is concerned with the degree of accountability required in the performance of the job, with emphasis on the importance of the job obligation. Differences in the degree of responsibility required in the performance of otherwise equal jobs cover a wide variety of situations. The following illustrations in § 800.130, which are by no means exhaustive, may suggest the nature or degree of differences in responsibility which will constitute unequal work.

§ 800.130 Comparing responsibility requirements of jobs.

(a) There are many situations where one employee of a group performing jobs which are equal in other respects is required from time to time to assume supervisory duties for reasons such as the absence of the regular supervisor. Suppose, for instance, that it is the employer's practice to pay a higher wage rate to such a "relief" supervisor with the understanding that during the intervals in which he performs supervisory duties he is in training for a supervisory position. In such a situation, payment of the higher rate to him might well be based solely on the additional responsibility required to perform his job and the equal pay provisions would not require the same rates to be paid to an employee of the opposite sex in the group who does not have an equal responsibility. There would clearly be no question concerning such a wage rate differential if the employer pays the higher rate to both men and women who are called upon from time to time to assume such supervisory responsibilities.

(b) Other differences in responsibilities of employees in generally similar jobs may require similar conclusions. Sales clerks, for example, who are engaged primarily in selling identical or similar merchandise may be given different responsibilities. Suppose that one employee of such a group (who may be either a man or a woman) is authorized and required to determine whether to accept payment for purchases by personal checks of customers. The person having this authority to accept personal checks may have a considerable additional degree of responsibility which may materially affect the business operations of the employer. In this situation, payment of a higher wage rate to this employee would be permissible.

(c) On the other hand, there are situations where one employee of the group may be given some minor responsibility which the others do not have (e.g., turning out the lights in his department at the end of the business day) but which is not of sufficient consequence or importance to justify a finding of unequal responsibility. As another example of a minor difference in responsibility, suppose that office employees of both sexes work in jobs essentially alike but at certain intervals a

male and female employee performing otherwise equal work within the meaning of the statute are responsible for the office payroll. One of these employees may be assigned the job of checking time cards and compiling the payroll list. The other, of the opposite sex, may be required to make out paychecks, or divide up cash and put the proper amounts into pay envelopes after drawing a payroll check. In such circumstances, although some of the employees' duties are occasionally dissimilar, the difference in responsibility involved would not appear to be of a kind that is recognized in wage administration as a significant factor in determining wage rates. Under such circumstances, this difference would seem insufficient to justify a wage rate differential between the man's and the woman's job if the equal pay provisions otherwise apply.

SIMILAR WORKING CONDITIONS

§ 800.131 Jobs performed under similar working conditions.

In order for the equal pay standard to apply, the jobs must be performed under similar working conditions. It should be noted that the statute adopts the flexible standard of similarity as a basis for testing this requirement. In determining whether the requirement is met, a practical judgment is required in the light of whether the differences in working conditions are the kind customarily taken into consideration in setting wage levels. The mere fact that jobs are in different departments of an establishment will not necessarily mean that the jobs are performed under dissimilar working conditions. This may or may not be the case.

§ 800.132 Determining similarity of working conditions.

Generally, employees performing jobs requiring equal skill, effort, and responsibility are likely to be performing them under similar working conditions. However, in situations where some employees performing work meeting these standards have working conditions substantially different from those required for the performance of other jobs the equal pay principle would not apply. For example, if some sales persons are engaged in selling a product exclusively inside a store and others employed by the same establishment spend a large part of their time selling the same product away from the establishment, the working conditions would be dissimilar. Also, where some employees do repair work exclusively inside a shop while others employed by the shop spend most of their time doing similar repair work in customers' homes, there would not be similarity in working conditions. On the other hand, slight or inconsequential differences in working conditions that are essentially similar would not justify a differential in pay. Such differences are not usually taken into consideration by employers or in collective bargaining in setting wage rates.

§§ 800.133–800.139 [Reserved]

EXCEPTIONS TO EQUAL PAY STANDARD

§ 800.140 The specified exceptions.

Section 6(d)(1) of the Act provides three specific exceptions and one broad general exception to its general standard requiring that employees doing equal work be paid equal wages, regardless of sex. Under these exceptions, where it can be established that a differential in pay is the result of a wage payment made pursuant to a seniority system, a merit system, a system measuring earnings by quantity or quality of production, or that the differential is based on any other factor other than sex, the differential is expressly excluded from the statutory prohibition of wage discrimination based on sex. The legislative intent was stated to be that any discrimination based upon any of these exceptions shall be exempted from the operation of the statute. These exceptions recognize, as do the reports of the legislative committees, that there are factors other than sex that can be used to justify a wage differential, even as between employees of opposite sexes performing equal work on jobs which meet the statutory tests of equal skill, effort, and responsibility and similar working conditions. (See H. Rept. No. 309, S. Rept. No. 176, 88th Congress 1st sess.)

§ 800.141 Establishing application of an exception.

(a) The facts necessary to establish that a wage differential has a basis specified in any of the foregoing exceptions are peculiarly within the knowledge of the employer. If he relies on the excepting language to exempt a differential in pay from the operation of the equal pay provisions, he will be expected to show the necessary facts. Thus, such a showing will be required to demonstrate that a payment of wages to employees at a rate less than the rate at which he pays employees of the opposite sex is based on a factor other than sex where it appears that such payments are for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions within the meaning of the statute. After careful examination of the legislative history and the judicial precedents, this is believed to be the most reasonable construction of the law and the one which will be approved by the courts. However, because there is some legislative history that could support a different view, the reasons for reaching the foregoing conclusions are explained in some detail in paragraph (b) of this section.

(b) The legislative history of the Equal Pay Act amendments to the Fair Labor Standards Act includes some statements in the House debate, by a member of the House committee who was an active sponsor of the legislation in the form approved by the committee, expressing a view differing from that stated in paragraph (a) of this section. The opinion expressed in these statements appears to be that the burden of establishing a prima facie case of violation of the equal pay provisions includes not only a showing of the facts necessary to establish a failure to comply with the Act's general standard, but also a showing that no facts exist that could bring the wage differential within an exception. In this view, the employer would not have to show facts necessary to prove the exception as an affirmative defense (Daily Congressional Record, House, May 23, 1963, p. 8698). But if the exceptions are intended to have an exempting effect, as was indicated by House committee spokesmen (H. Rept. No. 309, 88th Cong., 1st sess., p. 3; statement of Subcommittee Chairman Thompson, Daily Congressional Record, House, May 23, 1963, p. 8685), it seems plain that a view such as that expressed above is not consistent with the general rule established by the courts that the application of an exemption under this Act is a matter of affirmative defense and the employer urging such an exemption has the burden of showing that it applies. (See Phillips v. Walling, 334 U.S. 490; Arnold v. Kanowsky, 361 U.S. 388; Walling v. General Industries Co., 330 U.S. 545; Mitchell v. Kentucky Finance Co., 359 U.S. 290.) On balance, it would be difficult to conclude from the legislative history that it was the intent of Congress to supersede this established rule by applying a different rule to these provisions than to other exemptions from section 6 or 7. The House committee report emphasized that the "now familiar system of * * * administration, and enforcement, * * * will be utilized fully to complement the new provision" and many statements in the legislative debates as well as the report of the Senate committee further indicate a well-understood legislative intent to apply and enforce the equal pay provisions in a manner consistent with the familiar procedures traditionally followed under the Act in the administration and enforcement of its labor standards. (H. Rept. No. 309, S. Rept. No. 176, 88th Cong. 1st sess.; Daily Congressional Record, House, May 23, 1963, pp. 8692, 8705; Daily Congressional Record, Senate, May 28, 1963, pp. 9219–9220). Also pertinent is the understanding expressed by the House sponsors that a "bona fide program" that "does not discriminate on the basis of sex will serve as a valid defense to a charge of discrimination" (H. Rept. No. 309, 88th Cong. 1st sess.; Daily Congressional Record, House, May 23, 1963, p. 8685) and the clarifying remarks of the subcommittee chairman managing the House-passed legislation in the Senate, who said: "The employer's defense, if it is based on an employer's plan, must be a bona fide one; and the burden of demonstrating the legitimacy of that defense will rest upon the employer." (Daily Congressional Record, Senate, May 28, 1963, p. 9219). On review of the legislative history as a whole, therefore, the most reasonable conclusion appears to be that the position expressed in paragraph (a) of this section is the better

view, and that it is consistent with the legislative intent to consider the statutory exceptions, like other exemptions from section 6, as matters of affirmative defense and to require an employer who believes he comes within them to show facts establishing that this is so.

§ 800.142 Sex must not be a factor in excepted wage differentials.

While differentials in the payment of wages are permitted when it can be shown that they are based on a seniority system, a merit system, a system measuring earnings by quantity or quality of production, or on any other factor other than sex, the requirements for such an exception are not met unless the factor of sex provides no part of the basis for the wage differential. If these conditions are met, the fact that application of the system for measuring earnings results in higher average earnings for employees of one sex than for employees of the opposite sex performing equal work would not constitute a prohibited wage differential. However, to come within the exempting provisions, any system or factor of the type described pursuant to which a wage rate differential is paid must be applied equally to men and women whose jobs require equal skill, effort, and responsibility and are performed under similar working conditions. Any evaluation, incentive, or other payment plan which establishes separate and different "male rates" and "female rates" without regard to job content will be carefully examined to determine if these rate differentials are based on sex in violation of the equal pay requirements.

§ 800.143 Establishing absence of sex as a factor.

A showing that a wage differential is based on a factor other than sex, so as to come within one of the exceptions in section 6(d)(1), may sometimes be incomplete without a showing that there is a reasonable relationship between the amount of the differential and the weight properly attributable to the factor other than sex. To illustrate, suppose that male clerks who work 40 hours each week and female clerks who work 35 hours each week are performing equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. If they are paid weekly salaries for this work, a differential in the amounts could be justified as based on a difference in hours of work, a difference based on a factor other than sex which the chairman of the House subcommittee stated would "be exempted under this act." (Daily Congressional Record, House, p. 8685, May 23, 1965.) But if the difference in salaries paid is too great to be accounted for by the difference in hours of work, as where the male clerks are paid $90 for their 40-hour week (equal to $2.25 an hour) and the female clerks receive only $70 for their 35-hour week (equal to $2.00 an hour), then it would seem necessary to show some other factor other than sex as the basis for the unexplained portion of the wage differential before a conclusion that there is no wage discrimination based on sex would be warranted. To illustrate further, a compensation plan which provides for a higher rate of commission, "draw", advance or guarantee for sales employees of one sex than for employees of the opposite sex performing "equal work" would be in violation of the equal pay provisions of the Act unless the employer can establish that the differential in pay is pursuant to a seniority system, a merit system, or a system measuring earnings by quantity or quality of production, or is based on any other factor other than sex. A compensation plan which provides for a "draw" based on a percentage of each employee's earnings during a specified prior period would not be in violation of the equal pay provisions of the Act if the plan is applied equally to men and women. However, for all men to receive a higher draw, because it is the employer's experience that men generally earn more in commissions than women, would not be sufficient indication that the differential is based on a factor other than sex.

§ 800.144 Excepted "systems".

The exceptions for a seniority "system", a merit "system", and a "system" for measuring earnings by quantity or quality of work are not restricted to, although they include, formal systems or systems or plans that are reduced to writing. Such formal or written systems or plans may, of course, provide better evidence of the actual factors which provide a basis for a wage differential, but any informal or unwritten system or plan which can be shown to provide the basis for differentials in wage rates because of seniority, merit, or quantity or quality of production may qualify under the statutory language if it can be demonstrated that the standards or criteria applied under it are applied pursuant to an established plan the essential terms and conditions of which have been communicated to the affected employees.

§ 800.145 Application of exceptions illustrated—in general.

When applied without distinction to employees of both sexes, shift differentials, incentive payments, production bonuses, performance and longevity raises and the like will not result in equal pay violations. For example, in an establishment where men and women are employed on a job, but only men work on the night shift for which a night shift differential is paid, such a differential would not be prohibited. However, the payment of a higher hourly rate to all men on that job for all hours worked because some of the men may occasionally work nights would result in a prohibited wage differential. The examples (in the sections following) illustrate a few applications of the exception provisions.

§ 800.146 Examples—"red circle" rates, in general.

The term "red circle" rates describes certain unusual, higher than normal, wage rates which are maintained for many reasons. An example of the use of a "red circle" rate might arise in a situation where a company wishes to transfer a long-service male employee, who can no longer perform his regular job because of ill health, to different work which is now being performed by women. Under the "red circle" principle the employer may continue to pay the male employee his present salary, which is greater than that paid to the women employees, for the work both will be doing. Under such circumstances, maintaining an employee's established wage rate, despite a reassignment to a less demanding job, is a valid reason for the differential even though other employees performing the less demanding work would be paid at a lower rate, since the differential is based on a factor other than sex. However, where wage rate differentials have been or are being paid on the basis of sex to employees performing equal work, rates of the higher paid employees may not be "red circled" in order to comply with the Act. To allow this would only continue the inequities which the Act was intended to cure.

§ 800.147 Examples—temporary reassignments.

For a variety of reasons an employer may require an employee, for a short period, to perform the work of a job classification other than the employee's regular classification. If the employee's rate for his regular job is higher than the rate usually paid for the work to which he is temporarily reassigned, the employer may continue to pay him the higher rate, under the "red circle" principle. For instance, an employer who must reduce help in a skilled job may transfer employees to less demanding work without reducing their pay, in order to have them available when they are again needed for their former jobs. Although employees traditionally engaged in performing the less demanding work would be paid at a lower rate than those employees transferred from the more skilled jobs; the resultant wage differential would not constitute a violation of the equal pay provisions since the differential is based on factors other than sex. This would be true during the period of time for which the "red circle" rate is bona fide. (See § 800.146.) Temporary reassignments may also involve the opposite relationship of wage rates. Thus, an employee may be required, during the period of temporary reassignment, to perform work for which employees of the opposite sex are paid a higher wage rate than that paid for the duties of the employee's regular job classification. In such a situation, the employer may continue to pay the reassigned employee at the lower rate, if the rate is not based on quality or quantity of production, and if the reassignment is in fact a temporary one. If a piece rate is paid employees of the opposite sex who perform the work to which the employee in question is reassigned, failure to pay that employee the same piece rate paid such other employees would raise questions of discrimination based on sex. Also, failure to pay the higher rate to the reassigned employee after it becomes known that the reassignment will not be of a temporary nature would raise a

question whether sex rather than the temporary nature of the assignment is the real basis for the wage differential. Generally, failure to pay the higher rate for a period longer than one month will raise questions as to whether the reassignment was in fact intended to be a temporary one.

§ 800.148 Examples—training programs.

Employees employed under a bona fide training program may, in the furtherance of their training, be assigned from time to time to various types of work in the establishment. At such times, the employee in training status may be performing equal work with nontrainees of the opposite sex whose wages or wage rates may be unequal to those of the trainee. Under these circumstances, provided the rate paid to the employee in training status is paid, regardless of sex, under the training program, the differential can be shown to be attributable to a factor other than sex and no violation of the equal pay standard will result. Training programs which appear to be available only to employees of one sex will, however, be carefully examined to determine whether such programs are, in fact, bona fide. In an establishment where a differential is paid to employees of one sex because, traditionally, only they have been considered eligible for promotion to executive positions, such a practice, in the absence of a bona fide training program, would be a discrimination based on sex and result in a violation of the equal pay provisions, if the equal pay standard otherwise applies.

§ 800.149 Examples—"head of household".

Sometimes differentials in pay to employees performing equal work are said to be based on the fact that one employee is head of a household and the other, of the opposite sex, is not. In general, such allegations have not been substantiated. Experience indicates that where such factor is claimed the wage differentials tend to be paid to employees of one sex only, regardless of the fact that employees of the opposite sex may bear equal or greater financial responsibility as head of a household or for the support of parents or other family dependents. Accordingly, since the normal pay practice in the United States is to set a wage rate in accordance with the requirements of the job itself and since a "head of household" or "head of family" status bears no relationship to the requirements of the job or to the individual's performance on the job, the general position of the Secretary of Labor and the Administrator is that they are not prepared to conclude that any differential allegedly based on such status is based on a "factor other than sex" within the intent of the statute.

§ 800.150 Examples—temporary and part-time employees.

The payment of different wage rates to permanent employees than to temporary employees such as may be hired during the Christmas season would not necessarily be a violation of the equal pay provisions even though equal work is performed by both groups of workers. For example, no violation would result where payment of such a differential conforms with the nature and duration of the job and with the customary practice in the industry and the establishment, and the pay practice is applied uniformly to both men and women. Generally, employment for a period longer than one month will raise questions as to whether the employment is in fact temporary. Likewise, the payment of a different wage to employees who work only a few hours a day than to employees of the opposite sex who work a full day will not necessarily involve noncompliance with the equal pay provisions, even though both groups of workers are performing equal work in the same establishment. No violation of the equal pay standards would result if, for example, the difference in working time is the basis for the pay differential, and the pay practice is applied uniformly to both men and women. However, if employees of one sex work 30 to 35 hours a week and employees of the other sex work 40 to 45 hours, a question would be raised as to whether the differential is not in fact based on sex since different rates for part-time work are usually for workweeks of 20 hours or less.

§§ 800.151—800.159 [Reserved]

Relation to Other Laws

§ 800.160 Relation to other pay laws.

The provisions of various State or other equal pay laws may differ from the equal pay provisions set forth in the Fair Labor Standards Act. There is also other Federal legislation which deals broadly with discrimination by employers against individuals because of sex, including discrimination on such grounds with respect to compensation for employment (see Civil Rights Act of 1964, 78 Stat. 241, Title VII). Where any such legislation and the equal pay provisions of the Fair Labor Standards Act both apply, the principle established in section 18 of the latter Act will be controlling. No provisions of the Fair Labor Standards Act will excuse noncompliance with any State or other law establishing equal pay standards higher than the equal pay standards provided by section 6(d) of the Fair Labor Standards Act. On the other hand, compliance with other applicable legislation will not excuse noncompliance with the equal pay provisions of the Fair Labor Standards Act.

§ 800.161 Higher State minimum wage.

State laws providing minimum wage requirements may affect the application of the equal pay provisions of the Fair Labor Standards Act. If a higher minimum wage than that required under the Act is applicable to a particular sex pursuant to State law, and the employer pays the higher State minimum wage to male or female employees, he must also pay the higher rate to employees of the opposite sex for equal work in order to comply with the equal pay provisions of the Act.

§ 800.162 Overtime payments required by State law.

The application of the equal pay provisions of the Act may also be affected by State legal requirements with respect to overtime pay. If as a result of a State law, female employees in an employer's establishment are paid overtime premiums for hours worked in excess of a prescribed maximum in any workday or workweek, the employer must pay male employees performing equal work in such establishment the same overtime premiums when they work such excess hours, in order to comply with the equal pay provisions of the Fair Labor Standards Act. This would be true even though both the male and the female employees performing equal work are otherwise qualified for exemption from the overtime pay requirements of section 7 of the Fair Labor Standards Act. It would not be true, however, unless the overtime requiring the premium pay is actually being worked by the women.

§ 800.163 Other laws not applying equally to employment of both sexes.

In making a determination as to the application of the equal pay provisions of the Fair Labor Standards Act, legal restrictions in State or other laws upon the employment of individuals of a specified sex, with respect to such matters as hours of work, weight-lifting, rest periods, or other conditions of such employment, will not be deemed to make otherwise equal work unequal or be considered per se as justification for an otherwise prohibited differential in wage rates. For example, under the Act, the fact that a State law limits the weights which women are permitted to lift would not justify a wage differential in favor of all men regardless of job content. The Act would not prohibit a wage differential paid to male employees whose weight-lifting activities required by the job involve so significant a degree of extra effort as to warrant a finding that their jobs and those of female employees doing similar work do not involve equal work within the meaning of the Act. However, the fact that there is an upper limit set by State law on the weights that may be lifted by women would not justify a wage differential to male employees who are not regularly required to lift substantially greater weights or expend the extra effort necessary to make the jobs unequal. The requirement of equal pay in such situations depends on whether the employees involved are actually performing "equal work" as defined in the Act, rather than on legal restrictions which may vary from State to State.

Enforcement

§ 800.164 Investigations and compliance assistance.

The Wage and Hour and Public Contracts Divisions are charged with the administration of the Fair Labor Standards Act, including the equal pay provisions. Investigations under the Act will therefore include such inquiry as may be necessary to obtain compliance with the equal pay provisions in cases

where they are applicable. As provided in section 11(a) of the Act, authorized representatives of the Divisions may investigate and gather data regarding the wages, hours and other conditions and practices of employment. They may enter establishments and inspect the premises and records, transcribe records, and interview employees. They may investigate whatever facts, conditions, practices, or matters are considered necessary to find out whether any person has violated any provisions of the Act or which may aid in enforcement of the Act. Wage-Hour investigators will advise employers regarding any changes necessary or desirable regarding payroll, recordkeeping and other personnel practices which will aid in achieving and maintaining compliance with the law. Complaints, records, and other information obtained from employers and employees are treated confidentially.

§ 800.165 Recordkeeping requirements.

Records required to be kept by employers having employees subject to the equal pay provisions under section 6(d) of the Act are set forth in §§ 516.2, 516.6, and 516.29 of this chapter.

§ 800.166 Recovery of wages due; injunctions; penalties for willful violations.

(a) Pursuant to section 6(d)(3) of the Act, wages withheld in violation of the equal pay provisions have the status of unpaid minimum wages or unpaid overtime compensation under the Fair Labor Standards Act. This is true both of the additional wages required by the Act to be paid to an employee to meet the equal pay standard, and of any wages that the employer should have paid an employee whose wages he reduced in violation of the Act in an attempt to equalize his pay with that of an employee of the opposite sex performing equal work, on jobs subject to the equal pay standards.

(b) The following methods are provided under sections 16 and 17 of the Act for recovery of unpaid wages: The Administrator of the Wage and Hour and Public Contracts Divisions may supervise payment of back wages and, in certain circumstances, the Secretary of Labor may bring suit for back pay upon the written request of the employee. The employee may sue for back pay and an additional sum, up to the amount of back pay, as liquidated damages, plus attorney's fees and court costs. The employee may not bring suit if he has been paid back wages under supervision of the Administrator, or if the Secretary has filed suit to collect the wages. The Secretary may also obtain a court injunction to restrain any person from violating the law, including the unlawful withholding by an employer of proper compensation. A two-year statute of limitations applies to the recovery of unpaid wages.

(c) Willful violations of the Act may be prosecuted criminally and the violator fined up to $10,000. A second conviction for such a violation may result in imprisonment.

(d) The equal pay provisions are an integral part of section 6 of the Act, violation of any provision of which by any person, including any labor organization or agent thereof, is unlawful, as provided in section 15(a) of the Act. Accordingly, any labor organization, or agent thereof, who violates any provision of section 6(d) of the Act is subject to injunction proceedings in accordance with the applicable provisions of section 17 of the Act. Any such labor organization, or agent thereof, who willfully violates the provisions of section 15 is also liable to the penalties set forth in section 16(a) of the Act.

Signed at Washington, D.C., this 3d day of September 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-9548; Filed, Sept. 8, 1965; 8:57 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8505.1]

DMO 8505.1—NATIONAL SECURITY POLICY GOVERNING SCIENTIFIC AND ENGINEERING MANPOWER

1. *Purpose.* This Order provides current policy on the training and utilization of scientific and engineering manpower as it affects the national security.

2. *Cancellation.* This Order supersedes Defense Manpower Policy 8 issued on September 8, 1952 (17 F.R. 8070), by the Office of Defense Mobilization.

3. *Background.* The essential role of scientific and engineering manpower in any period of national emergency is well recognized. While the quantity and quality of scientific and engineering manpower are materially influenced by Government action, the development and use of such manpower are greatly dependent upon policies and actions of the private sector.

Since the issuance of Defense Manpower Policy 8, many steps have been taken by the Government and the private sector to assure the adequacy of scientific and engineering manpower for total national security. This statement of current Government policy is intended to continue the constructive policies and actions already in being and to assure the adequacy of this important national resource during a major emergency.

4. *Policy.* It is the policy of the Federal Government to project the Nation's scientific and engineering manpower requirements sufficiently into the future to permit long-range planning; to relate those requirements to other resource requirements, including requirements for other manpower skills; to relate peacetime and emergency requirements; and to cooperate with educators, industry, professional societies, and employee associations to:

a. Support training and education programs which enhance our national security through the development of defense related skills.

b. Stimulate individuals with scientific and technical aptitudes to attain the highest level of formal education in science and technology for which they are capable.

c. Stress basic principles and fundamentals of science and technology in educational curricula.

d. Offer significant on-the-job training which will broaden the experience and capabilities of individual scientists and engineers.

e. Provide realistic retraining opportunities which will assist in updating the knowledge and skills of scientists and engineers.

f. Broaden the selection base in order to assure entry of all qualified individuals, including women and members of minority groups, into scientific and technical positions.

g. Encourage continued employment of senior scientists and engineers who are yet capable of efficient performance, even though the retention of such personnel may be only on a part-time basis.

h. For maximum security explore and, where appropriate, adopt the principle of decentralized scientific and technical operations.

5. *Action.* Consistent with the policies contained herein, each department and agency of the Federal Government should (a) review its current manpower policies and update its policies and programs for scientific and engineering manpower to assure their maximum contribution to national security and emergency preparedness, (b) base its policies and actions on projected peacetime and emergency requirements, and (c) encourage and support private sector efforts to assure the fulfillment of future requirements for this critical manpower resource.

Dated: August 31; 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-9500; Filed, Sept. 8, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3811]

[Utah 0133608]

UTAH

Addition of Land to Dixie National Forest

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The following described public lands are hereby added to and made a part of the Dixie National Forest, and hereafter shall be subject to all laws and regulations applicable to said national forest, subject to valid existing rights, and the boundaries of the said forest are adjusted accordingly:

PUBLIC LANDS

SALT LAKE MERIDIAN, UTAH

T. 38 S., R. 8 W.,
Sec. 29, SE¼SE¼;
Sec. 34, S½SW¼.
T. 38 S., R. 9 W.,
Sec. 3, lots 1 and 2, and SE¼NE¼;
Sec. 11, N½NW¼, SE¼NW¼, and E½SW¼.
T. 39 S., R. 8 W.,
Sec. 3, lot 3, and NE¼SE¼.

The areas described aggregate 516.18 acres.

2. The boundaries of the Dixie National Forest are hereby extended to include the following described nonpublic lands, which shall become a part of said national forest and subject to all laws and regulatoins applicable thereto, upon acquisition of title by the United States under applicable law to said lands:

PRIVATE LANDS

SALT LAKE MERIDIAN, UTAH

T. 38 S., R. 8 W.,
Sec. 34, N½SW¼.

The area described contains 80 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 2, 1965.

[F.R. Doc. 65-9501; Filed, Sept. 8, 1965; 8:46 a.m.]

[Public Land Order 3812]

[Montana 063737]

MONTANA

Powersite Restoration No. 634; Partial Revocation of Powersite Reserve No. 48; Opening of Land Subject to Section 24 of the Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-183-Montana, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 48, is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

T. 27 N., R. 34 W.,
Sec. 28, lot 9.

Containing approximately 18 acres, in Sanders County.

In DA-183-Montanan, the Federal Power Commission determined that the value of the land described above, withdrawn pursuant to the filing of an application for preliminary permit for Project No. 2058, will not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act and to the prior right of the licensee for Project No. 2058 and its successors or assigns to use for project purposes as contemplated in the license that portion of lot 9 within the project boundary as shown on the map designated Revised Exhibit K (FPC No. 2058-34) on file with the Commission.

2. Until 10 a.m. on March 4, 1966, the State of Montana shall have the preferred right of application to select the land described in paragraph 1, above, as provided by R.S. 2276, as amended (43 U.S.C. 852).

3. At 10 a.m. on March 4, 1966, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 4, 1966, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. Any disposals of the land described in paragraph 1, above, shall be subject to the provisions of section 24 of the Federal Power Act, supra, and to the prior rights of the licensee for Project No. 2058, as specified by the Federal Power Commission in its determination, DA-183-Montana.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Mont.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 2, 1965.

[F.R. Doc. 65-9502; Filed, Sept. 8, 1965; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter IV—Freedmen's Hospital, Department of Health, Education, and Welfare

PART 401—ADMISSION AND OUT-PATIENT TREATMENT

Miscellaneous Amendments

Notice of proposed rule making having been published and no public suggestions or comments having been received, the proposed amendments to the regulations concerning admission and out-patient treatment at Freedmen's Hospital as set forth in and published with said notice of proposed rule making on July 13, 1965, in 30 F.R. 8797, are hereby adopted and issued.

Such amendments shall become effective immediately upon the date of republication hereof, it having been determined that an early effective date would increase the revenue available to the hospital, bring the rates charged by the hospital more closely in line with those charged by other area hospitals and tend to correct the variance between the rates established by the Bureau of the Budget for District of Columbia referral patients and the rates charged private pay patients by the hospital. These amendments shall not affect the rates charged for out-patient service furnished prior to such effective date nor require the redetermination of the rate established for any in-patient admitted prior to such effective date.

Dated: August 17, 1965.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: September 3, 1965.

JOHN W. GARDNER,
Secretary.

§ 401.6 [Amended]

1. In § 401.6, the income schedules for determination of a patient's ability to pay for his hospitalization and other services are revised to read as follows:

GENERAL MEDICAL AND SURGICAL PATIENTS

No. in family	Minimum free	Monthly family income part-pay							Maximum full-pay
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
	Or less								*Or more*
1	$110	$111-$125	$126-$145	$146-$160	$161-$175	$176-$190	$191-$210	$211-$220	$221
2	140	141- 155	156- 170	171- 190	191- 205	206- 220	221- 240	241- 265	266
3	175	176- 200	201- 220	221- 240	241- 265	266- 285	286- 315	316- 340	341
4	210	211- 235	236- 265	266- 290	291- 320	321- 345	346- 375	376- 405	406
5	240	241- 275	276- 305	306- 340	341- 375	376- 405	406- 440	441- 465	466
6	276	276- 310	311- 350	351- 390	391- 425	426- 460	461- 500	501- 525	526
7	300	301- 340	341- 380	381- 415	416- 455	456- 495	496- 530	531- 570	571
8	335	336- 375	376- 415	416- 460	461- 550	501- 540	541- 585	586- 625	626
9	375	376- 415	416- 460	461- 505	506- 550	551- 584	585- 640	641- 670	671
10	400	401- 440	441- 485	486- 525	526- 565	566- 610	611- 655	656- 685	686

TUBERCULOSIS HOSPITAL

1	$210	$211-$235	$236-$265	$266-$290	$291-$320	$321-$345	$346-$375	$376-$405	$406
2	240	241- 275	276- 305	306- 340	341- 375	376- 405	406- 440	441- 465	466
3	275	276- 310	311- 350	351- 390	391- 425	426- 460	461- 500	501- 525	526
4	300	301- 340	341- 380	381- 415	416- 455	456- 495	496- 530	531- 570	571
5	335	336- 375	376- 415	416- 460	461- 500	501- 540	541- 590	591- 625	626
6	375	376- 415	416- 460	461- 505	506- 550	551- 595	596- 640	641- 670	671
7	400	401- 440	441- 480	481- 525	526- 565	566- 610	611- 655	656- 685	686
8	425	426- 465	466- 505	506- 545	546- 590	591- 630	631- 670	671- 715	716
9	440	441- 485	486- 525	526- 570	571- 615	616- 660	661- 715	716- 740	741
10	465	466- 510	511- 555	556- 600	601- 645	646- 695	696- 730	731- 770	771

2. In § 401.6(a), subparagraph (2) is amended by changing "§ 401.7" to read "§ 401.7(b)".

3. In § 401.6(a), subparagraph (3) is amended by changing "§ 401.7" to read "§ 401.7(a)".

§ 401.7 [Amended]

4. In § 401.7(a), the schedule of room and ward rates for full-pay inpatients is revised to read as follows:

SCHEDULE OF ROOM AND WARD RATES FOR FULL-PAY IN-PATIENTS

Description of accommodations	General hospital	Hospital annex	
		Pavilion	Chronic chest
Private room with bath		$26.00	$21.00
Private room without bath	$19.00	24.00	19.00
Semiprivate room, 4 bed		21.00	16.00
Semiprivate room, 2 bed		23.00	17.00
Ward, multibed	16.00		
Pediatrics:			
8 years and over	16.00	As above	As above
0 to 8 years	15.00		
Nursery (newborn in hospital)	6.00		

5. In § 401.7(b), the schedule of ward rates for part-pay patients is revised to read as follows:

SCHEDULE OF WARD RATES FOR PART-PAY PATIENTS

	General hospital		Hospital annex
Legend	Age group 8 years and over	Age group 0–7 years, inclusive	Age group 0–7 years, inclusive
A	$0	$0	$0
B	2.00	0	2.00
C	4.00	2.00	4.00
D	6.00	3.00	6.00
E	8.00	4.00	8.00
F	10.00	6.00	10.00
G	12.00	8.00	12.00
H	14.00	10.00	14.00

6. Section 401.7(c) is revised to read as follows:

(c) *Other hospital services.* Full-pay patients shall pay, in addition to the room and board charges shown in paragraph (a) of this section, other hospital services at rates listed below:

(1) Operating room—$25.00 for the first half hour or fraction thereof, and $10.00 for each additional half hour or fraction thereof.

(2) Recovery room—$5.00 for the first hour or fraction thereof, and $1.00 per hour for each additional hour or fraction thereof, plus the applicable room rate. Maximum for each 24 continuous hour day, $15.00.

(3) Labor and delivery room—$30.00.

(4) Cysto room—$10.00.

(5) Blood administration—$10.00 per pint.

(6) Intravenous solutions (IVS)—$5.00 per bottle.

(7) The following "Other Hospital Service" shall be charged for at rates determined by the Superintendent to be fair and reasonable, but not less than cost to the hospital:

Drugs, medicines, blood and blood derivatives, radiological services, clinical laboratory services, special services, anesthesia materials, medical and surgical supplies, sterile trays, inhalation therapy, physical therapy, anesthesiology, plaster casts, and similar supplies and services.

7. Section 401.9 is revised to read as follows:

§ 401.9 Outpatient rates; emergency patients.

The basic charge for treatment of an emergency patient in the outpatient clinic shall be $5.00 plus the applicable charges for all special services rendered in connection with the care of the patient, such as suturing, X-ray, laboratory, and other special services in accordance with the schedule set forth in § 401.7(c). The charge for routinely prescribed drugs and medications shall be $0.50 plus cost for each prescription filled. The Superintendent or his designee may waive payment of any of the charges prescribed by this section if he determines that the patient is financially unable to pay such charges.

8. Section 401.10(a) is revised to read as follows:

§ 401.10 Outpatient rates; clinic patients.

(a) The charge for care or treatment of clinic patients whose "monthly family income" is between the appropriate minimum and maximum shall be $2.00 for each visit to the clinic. This charge will include all X-ray, laboratory, and other special services necessary. The charge for routinely prescribed drugs and medications shall be cost plus $0.50 for each prescription filled. The Superintendent or his designee may waive payment of any of the charges prescribed in this section if he determines that the patient is financially unable to pay such charges.

* * * * *

9. Section 401.10(b) is amended by changing the word "fee" to read "charge".

(R.S. 2038, as amended, 37 Stat. 172, as amended, 59 Stat. 366, as amended; 32 D.C. Code 317, 318, 318a)

[F.R. Doc. 65-9505; Filed, Sept. 8, 1965; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 119—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION

The regulations set forth below are applicable to grants to State educational agencies pursuant to Title V of the Elementary and Secondary Education Act of 1965 (P.L. 89-10). Subpart B of this part is applicable to grants from apportioned funds pursuant to section 503(a) of the Act, Subpart C is applicable to grants for experimental projects pursuant to section 505, and Subparts A and D are applicable to both types of grants. All such grants are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Subpart A—Definitions

Sec.
119.1 Definitions.

Subpart B—Basic Grants (Grants From Apportioned Funds)

119.2 State applications.
119.3 Procedures for application review and disposition.
119.4 State educational agency.
119.5 Custody of funds.
119.6 Maintenance or increase of State effort.
119.7 State fiscal management.
119.8 Reports.
119.9 Effective date of application.
119.10 Period during which Federal funds are available.
119.11 Proration of costs.
119.12 Expenditures by States.
119.13 Federal payments.
119.14 Effect of payments and settlement of accounts.
119.15 Reapportionment.
119.16 Transfers of apportioned funds.

Subpart C—Special Project Grants

119.20 Purpose.
119.21 Submission of applications.
119.22 Review of applications.
119.23 Disposition of applications.
119.24 Duration of the project.
119.25 Payment procedures.
119.26 Revisions.
119.27 Reports.
119.28 Publications.
119.29 Termination of grant.

Subpart D—General Provisions

119.40 Arrangements with individuals or other organizations.
119.41 Fiscal audits and program reviews.
119.42 Records management.
119.43 Grantee accountability.
119.44 Allowable expenditures.

AUTHORITY: The provisions of this Part 119 issued under Title V of P.L. 89-10, 79 Stat. 47, 20 U.S.C. 861-870. Interpret or apply secs. 501-506, 508-510, 601 of P.L. 89-10; 79 Stat. 21, 28, and 29; 20 U.S.C. 861-866, 868-870, 881.

Subpart A—Definitions

§ 119.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965 (P.L. 89-10).

(b) "Basic Grants" means grants made by the Commissioner from funds apportioned under section 502(a)(1) of the Act.

(c) "Commissioner" means the U.S. Commissioner of Education.

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Elementary school" means a day or residential school which provides

elementary education, as determined under State law.

(f) "Equipment" includes machinery, utilities, built-in equipment, and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audiovisual instructional materials; and books, periodicals, documents, and other related materials. Equipment does not include the erection of new enclosures or structures, or the expansion, remodeling, alteration, or aquisition of existing enclosures or structures, except to the extent required to house such machinery, utilities, or built-in equipment. Equipment does not include supplies which are consumed in use, or which may not reasonably be expected to last longer than 1 year.

(g) "Federal share" means that percentage of expenditures incurred by the State educational agency which is subject to reimbursement out of grants pursuant to section 503 of the Act. For fiscal years 1966 and 1967, the Federal share is 100 percent. For fiscal years 1968, 1969, and 1970, the Federal share is the percentage computed by the Commissioner for each State, respectively, pursuant to section 503(b)(2) of the Act.

(h) "Fiscal year," as used with respect to reporting and accounting, means the period beginning on the first day of July and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(i) "Local educational agency," or "local agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(j) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(k) "Special project grants" means grants made to State educational agencies from funds reserved by the Commissioner pursuant to section 505 of the Act.

(l) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(m) "State educational agency," or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

Subpart B—Basic Grants (Grants from Apportioned Funds)

§ 119.2 State applications.

(a) *Purpose and content.* The principal condition for basic grants of Federal funds apportioned to a State under Title V of the Act is the submission by the State through the State educational agency of an application or applications to the Commissioner. Any State desiring to receive basic grants shall submit an application or applications annually for each fiscal year on such date or dates as the Commissioner may fix, and in accordance with such procedures as he may prescribe.

(b) *Submission and approval.* Each application and all amendments thereto shall be submitted to the Commissioner for his approval by a duly authorized officer of the State educational agency. Each application shall indicate the official or officials authorized to submit application material. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and the regulations in this part, the application will be approved subject to the limits of available appropriations. The Commissioner will not finally disapprove an application except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. When approved by the Commissioner, an application becomes the basis for making payments of the Federal share of the sums expended under the application, except that minor deviations of specific amounts of expenditures among program functions and objects from those estimated in the application will not be precluded from Federal financial participation if otherwise made in accordance with the approved application, the Act, and the regulations in this part.

(c) *Amendments.* Each application must be appropriately amended whenever (1) there is a material change in a pertinent State law or in the organization, policies, or operations of the State educational agency affecting the application or any programs described therein, (2) there is a material change in the content or administration of any such program, or (3) any program is added or deleted. (Minor deviations referred to in the last sentence of paragraph (b) of this section are not deemed to be "material changes" for the purposes of this paragraph.) The submission and approval of amendments shall follow the same procedures and have the same effect specified for applications in paragraph (b) of this section. All applications submitted after the initial application within the same fiscal year shall have the effect of an amendment to the initial application.

(d) *Certificate of the State educational agency.* Each application and all amendments thereto must include as an attachment a certificate of the officer of the State educational agency authorized to submit the application to the effect that the application has been adopted by the State agency and that the application, as amended, will constitute the basis for operation and administration of the programs in which Federal participation under basic grants will be requested.

(e) *Certificate of the State attorney general.* Each application or amendment thereto shall include as an attachment a certificate by the State's attorney general, or other official designated in accordance with State law to advise the State educational agency on legal matters, to the effect that the State educational agency named in the plan has authority under State law to submit the application and administer the programs covered by such application, and that all application provisions are consistent with State law.

§ 119.3 Procedures for application review and disposition.

(a) The Commissioner will approve an application only upon his determination that such an application meets the requirements of the Act and the regulations in this part. This means that:

(1) Each program and part thereof proposed in an application or an amendment thereto provides for the development, improvement, or expansion of activities which make a significant contribution to strengthening the leadership resources of the State educational agency, or which make a significant contribution to strengthening its ability to participate effectively in identifying and meeting the needs of elementary and secondary education in the State;

(2) Each application and amendment thereto and each program and part thereof proposed therein otherwise complies with and conforms to other applicable provisions of the Act as indicated in this subpart and subpart D.

(b) In making his determination pursuant to paragraph (a) of this section, the Commissioner will take into consideration appropriate and relevant factors such as the following:

(1) The extent to which each program and part thereof proposed in an application or amendment thereto is directed toward meeting effectively educational needs that have a high priority under carefully developed current and long-range plans of the State educational agency;

(2) The extent to which an adequate effort has been made to use, for each program and part thereof proposed in an application or an amendment thereto, other resources available to the State educational agency, such as funds provided under other Federal grant-in-aid programs;

(3) The extent to which each program and part thereof proposed in an application or amendment thereto will be conducted in effective coordination and cooperation with other federally assisted programs conducted by other agencies, institutions, and organizations within the State, such as local educational agencies, State and local health and welfare agencies, and community action groups;

(4) The extent to which each program and part thereof proposed in an application or amendment thereto will promote

or contribute to establishing appropriate balance with respect to both quality and quantity among the several programs and services of the State educational agency; that is, the extent to which the proposal will lead to an adequate level of development in all essential State educational agency programs so that one program will not be strengthened at the expense of another; and

(5) The extent to which each program and part thereof proposed in an application or amendment thereto takes into account the current level of development and will contribute effectively to the improvement of such essential programs as: Long-term planning, aid to local educational agencies in improvement of curricula, quality of teaching and competence of teachers, particularly in basic schools subjects, data processing, public information, technical and consultative services to local educational agencies, research, and staff development.

§ 119.4 State educational agency.

(a) *Designation.* Each application shall give the official name of the State educational agency which will be the agency responsible for administering the programs set forth in the application.

(b) *Organization.* Each application shall describe by chart or otherwise the organizational structure of the State educational agency responsible for administering the programs described therein, including a description of the unit or units responsible for such administration, the principal functions assigned to each, the lines of authority within such a unit or units and the administrative relationships of such a unit or units to the rest of the State educational agency. The position titles of all professional personnel in the State educational agency who will be engaged in the conduct of the programs described in each application shall be given in the application, and their major duties and qualifications briefly described. If a program in an application will expand or alter the organizational structure of the State educational agency, the application shall indicate in its description of the organizational structure that part of such structure to be affected.

(c) *Authority.* Each application shall set forth the authority of the State educational agency under State law to submit the application and to administer the programs set forth therein. Citations to, or copies of, all directly pertinent statutes and interpretations of them by the appropriate State officials, whether by regulations, policy statements, opinions of the attorney general or court decisions, shall be furnished as part of the application. All copies must be certified as correct by an appropriate official.

§ 119.5 Custody of funds.

Each application shall designate the officer who will receive and provide for the custody of funds to be expended under applicable State laws and regulations on requisition or order of the State agency.

§ 119.6 Maintenance or increase of state effort.

(a) Each application of a State shall contain or be accompanied by an assurance that Federal funds made available under that application will supplement and, to the extent practical, increase the amounts of State funds that would in the absence of such Federal funds be made available for programs (including specific projects, activities, and services pertaining thereto) which meet the conditions of section 503(a) of the Act and §§ 119.2 and 119.3.

(b) In determining whether the assurance referred to in paragraph (a) of this section is adequate, the Commissioner will take into consideration, among other relevant factors, the following: (1) The amount of State funds (including in the case of programs supported by Federal funds, the State share of all expenditures pursuant to such programs) to be expended by the State educational agency for programs (including specific projects, activities, and services pertaining thereto) which meet the conditions of section 503(a) of the Act and §§ 119.2 and 119.3 as compared with (2) the amount of State funds expended by the State educational agency in the preceding fiscal year or years for such programs, with allowances for unusual capital expenditures such as the acquisition of data processing or other major items of equipment and adjustments to reflect changes in the scope of the responsibilities of the State educational agency.

§ 119.7 State fiscal management.

Each application shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State pursuant to the application, including any such funds paid by the State to agencies, institutions, and organizations for the purpose of carrying out programs under Title V of the Act. Such fiscal management shall be in accordance with applicable State laws, policies, and procedures which shall be identified in the application or set forth in an appendix thereto. Accounts and supporting documents relating to any program involving Federal financial participation shall be adequate to permit an accurate and expeditious audit of the program.

§ 119.8 Reports.

Each application shall provide that the State educational agency will periodically consult with the Commissioner, make such reports to the Commissioner at such time, in such form, and containing such information as he may consider reasonably necessary to perform his duties under the Act, and comply with such provisions as the Commissioner may find necessary to assure the correctness and verification of such reports. Such reports shall include, but not be limited to, the following:

(a) A report from each State for the fiscal year immediately preceding such State's participation in Title V of the Act which provides information on all programs of the State educational agency for such fiscal year; and

(b) A report from each State for each fiscal year beginning with the first fiscal year of such State's participation in Title V of the Act which provides information on all programs (including but not limited to Title V programs) conducted by the State educational agency during that fiscal year.

§ 119.9 Effective date of application.

Since the Federal Government participates only in amounts expended under an approved application, there can be no Federal participation in any expenditures made unless such expenditures are made after the effective date of such an approved application. For the purposes of this section, the earliest date on which an application may be considered to be in effect is the date on which it is received in substantially approvable form by the Commissioner.

§ 119.10 Period during which Federal funds are available.

Since each application submitted during a fiscal year is approved only for a period covering such fiscal year for which Federal funds are apportioned to the State, funds so apportioned, or reapportioned or transferred, to the State pursuant to section 502(b) of the Act and §§ 119.15 and 119.16 shall be available only for expenditures for which an application was approved and during the fiscal year in which such apportionments, reapportionments, and transfers are made.

§ 119.11 Proration of costs.

Federal financial participation is available only with respect to that portion of any expenditure which is attributable to a program under an approved application. Each application shall specify a justifiable basis for identifying expenditures and the method to be used in prorating expenditures among eligible and noneligible purposes or among eligible purposes covered by different programs. Each application shall provide that the State educational agency will maintain records to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, and equipment.

§ 119.12 Expenditures by States.

(a) Expenditures made by a State pursuant to each application shall be made in conformity with State laws, regulations, procedures, and standards governing the use of State funds.

(b) If State accounts are kept on an accrual or obligation basis, expenditures will be considered to be the total charges incurred, including encumbrances and obligations which the State educational agency is required under State law to pay out of its own funds available for the same period in which such encumbrances and obligations were incurred. If State accounts are kept on a cash basis, expenditures will be considered to be actual disbursements.

§ 119.13 Federal payments.

Subject to the authority of the Commissioner to make reapportionments or to transfer apportionments pursuant to section 502(b) of the Act and §§ 119.15 and 119.16, and subject also to any withholding of payments by the Commissioner pursuant to section 508 of the Act and § 119.14(a), the Federal Government will pay from each State apportionment the Federal share of the total sums expended by each such State educational agency in accordance with Title V of the Act, the regulations in this part, and its approved application or applications. Such payments will be made in advance installments on the basis of estimated expenditures or reimbursement of actual costs incurred, with appropriate adjustments for underpayments or overpayments for actual expenditures in any prior period. Such payments will be made available to the States after:

(a) The State has on file in the Office of Education an approved application covering the program or programs for which payment is to be made;

(b) The pertinent estimates and reports required by § 119.8 have been reviewed; and

(c) The Commissioner is satisfied that the State needs the funds and will be able to carry out the program or programs contained in the application.

§ 119.14 Effect of payments and settlement of accounts.

(a) *No waiver.* Neither the approval of an application nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe any Federal requirements before or after such an administrative action.

(b) *Settlement of accounts.* The final amount to which the State is entitled for any period is determined on the basis of expenditures under each application with respect to which Federal financial participation is authorized.

§ 119.15 Reapportionment.

Pursuant to section 502(b)(1) of the Act:

(a) The amount apportioned to any State for any fiscal year under section 502(a) of the Act which the Commissioner determines will not be required for such year shall be available for reapportionment, on such dates during such year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned to such other States for such year, except that the amount to each such State shall be reduced to the extent it exceeds the sum the Commissioner determines the State needs or will be able to use for such year.

(b) The amounts to be so reapportioned will be determined by the Commissioner on the basis of (1) reports filed by the States of the amounts required to carry out the State application or applications approved by the Commissioner, and (2) such other information as he may have available. Each State agency shall, if requested, submit to the Commissioner, on such date or dates as he may specify, a report or reports showing the anticipated need during the current fiscal year for the amount previously apportioned or any amount needed in addition thereto, and such other information as the Commissioner may request.

§ 119.16 Transfers of apportioned funds.

(a) Upon the request of a State, any portion of the amount of Federal funds apportioned to it for basic grants may, pursuant to paragraph (b) of this section, be added to or combined with the amount apportioned to another State for the purpose of carrying out one or more programs (including specific projects, activities, and services pertaining thereto) which would benefit each participating State. In computing the Federal share of the total amount expended for such programs, the percentage of the Federal share applicable to the amount originally apportioned to each participating State will continue to be applicable to that portion of such total amount which is contributed by each such State.

(b) Any State desiring that a portion of its apportionment of Federal funds for basic grants be added to or combined with that of another State shall submit to the Commissioner a request for such a transfer, either as a part of each application covering a program or programs affected by such a transfer or as an amendment or amendments thereto. Such a request shall be submitted by a State either simultaneously with such an application or applications or at any time subsequent to such an application or applications. Such a request shall contain (1) a description of the programs to be carried out by the receiving State with funds contributed to it by other participating States; (2) a statement of the total amount to be expended for such programs and the sources and amounts of Federal and non-Federal funds contributed by each participating State, including the receiving State; (3) information showing how such programs will assist all participating States in strengthening the leadership resources of their respective State educational agencies and in identifying and meeting their educational needs; and (4) a certificate of the receiving State educational agency accepting the transfer of funds for the purposes identified by the State or States requesting such transfer. Each such request, when approved by the Commissioner, shall become a part of each application of the receiving State which covers a program or programs affected by such a transfer.

Subpart C—Special Project Grants

§ 119.20 Purpose.

Special project grants authorized in section 505 of the Act will be made by the Commissioner to State educational agencies to pay part of the cost of experimental projects for developing State leadership or for the establishment of special services which, in the judgment of the Commissioner, hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States.

§ 119.21 Submission of applications.

Applications for special project grants may be made only by State educational agencies. Applications shall be made in such form and detail as may be required by the Commissioner. An application shall contain (a) a statement of the purpose of the project; (b) a description of the nature and scope of the activities to be undertaken and the methods and arrangements for working toward project objectives; (c) a proposed budget; (d) an agreement that the grantee will comply with the requirements of the Act and the regulations in this part, and with such other conditions and procedures as the Commissioner may prescribe in awarding the grant; and (e) any other documents and information which the Commissioner may require.

§ 119.22 Review of applications.

(a) In reviewing each application submitted for his approval, the Commissioner will assure himself that:

(1) Each special project proposed in an application includes experimental activities for development of State educational leadership or for establishment of special services which hold promise of making a substantial contribution to the solution of: (i) Problems common to the State educational agencies of all of the States; or (ii) problems common to the State educational agencies of several of the States.

(2) Each application otherwise complies with and conforms to applicable provisions of the Act and regulations in this part, and such conditions and procedures as the Commissioner may require to carry out his functions under section 505 of the Act.

(b) In addition, the Commissioner in reviewing special project grant applications may take into consideration such factors as the following:

(1) The significance and the pervasiveness among all or several of the States of the problems toward which the experimental project proposed in the application is directed.

(2) The nature of the leadership or special service activities to be undertaken.

(3) The adequacy of the design and procedures to be employed for the project.

(4) The competencies of the project director and his staff.

(5) The resources to be provided by the State educational agency as its part of the cost of the project.

(6) The degree and type of participation in the project by States other than the State submitting the application.

§ 119.23 Disposition of applications.

On the basis of his evaluation, the Commissioner will (a) approve the application in whole or in part, (b) disapprove the application, or (c) defer action on the application for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of an application will not preclude its reconsideration or resubmission. The Commissioner will notify the applicant

in writing of the disposition of the application. If the Commissioner makes a grant, the grant award letter will include the approved budget and grant conditions. The applicant shall indicate acceptance of the proposed grant by having an authorized official sign a copy of the grant award letter and by returning such copy to:

Division of State Agency Cooperation
Office of Education
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20202

§ 119.24 Duration of the project.

The project shall remain in effect for the period specified in the notice of approval or until otherwise terminated in accordance with § 119.29. All payments made with respect to the project shall remain available for such a period. Such a period may be extended by revision of the project pursuant to § 119.26.

§ 119.25 Payment procedures.

Payments pursuant to special project grants may be made available in installments, and in advance on the basis of estimated costs, or reimbursement of actual costs incurred in carrying out the approved project, with appropriate adjustments for underpayments or overpayments in any prior period.

§ 119.26 Revisions.

Whenever the approved application for a special project is materially changed, a written request to revise the project must be made by the State educational agency receiving the project grant. Minor deviations of specific amounts of expenditures among objects from those estimated in the approved application will not require revision of such application. Revisions shall be submitted in writing and reviewed by the Commissioner as a new project application. Project revisions may be initiated by the Commissioner if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

§ 119.27 Reports.

The application shall provide that the State agency receiving the special project grant will consult periodically with the Commissioner and will make such reports to him at such time, in such form, and containing such information as he may consider reasonably necessary to perform his duties under the Act.

§ 119.28 Publications.

Material produced as a result of any special project supported with grants under Title V of the Act may be published without prior review by the Commissioner: *Provided*, That such material includes an acknowledgment of Federal assistance through such grants and that copies of such material are furnished to the Commissioner.

§ 119.29 Termination of grant.

The Commissioner may, at his discretion, terminate any special project grant if he finds that the State educational agency has failed to comply with the conditions of the grant or that the project reports are incorrect or incomplete in any material respect. In the event of such a termination by the Commissioner, the State educational agency will be promptly notified and given the reasons for the Commissioner's action in writing. A special project grant may also be voluntarily terminated by the State educational agency by written notice to the Commissioner.

Subpart D—General Provisions

§ 119.40 Arrangements with individuals or other organizations.

(a) In carrying out programs of projects under Title V of the Act, the State educational agency receiving such grants may not transfer to others responsiblity in whole or in part for the use of such grants or the conduct of such programs or special projects; but may enter into contracts or arrangements with others for carrying out a portion of any such program or special project. Such contracts or arrangements shall (1) be in writing, (2) incorporate by reference all requirements of the Act, the regulations in this part, the applications of the State educational agency, and the grant conditions, (3) be made for a period not exceeding the period for which the grant is available, (4) constitute a reasonable and prudent use of grant funds, (5) provide that funds paid by the State educational agency to the other party of the contract or arrangement will be used only for costs incurred by such other party in carrying out its portion of a program or special project, and (6) provide that such other party will account to the State educational agency for any funds which are not expended in accordance with the contract or arrangement.

(b) In applying for a grant under Title V of the Act, the State educational agency shall indicate in the application for such grant any intention it may have of entering into contracts or other arrangements with individuals or organizations to conduct a portion of any program or special project proposed in the application. The State agency shall not enter into any such contract or arrangement unless the intention to do so is included in an approved application, or an amendment thereto. The State agency shall submit to the Commissioner two (2) copies of any such contract or arrangement immediately upon execution.

§ 119.41 Fiscal audits and program reviews.

In order to assist the State educational agency in adhering to statutory requirements and to the substantive legal and administrative provisions of an approved application, the Commissioner will conduct periodic reviews of the administration of the State's programs or special projects under Title V of the Act. In addition, all records covering expenditures for programs and projects of the State educational agency will be audited by the Department to determine whether the State agency has properly accounted for Federal funds.

§ 119.42 Records management.

(a) *Records maintenance and disposition.* The State educational agency shall maintain and keep intact and accessible all records supporting claims for Federal grants or relating to the accountability of such State agency for expenditure of such grants and relating to the expenditure of any non-Federal funds necessary for matching or supplementing the Federal share of such grants (1) for 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for administrative review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

(b) *Questioned expenditure.* The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department.

(c) *Records of equipment.* Where equipment which costs $100 or more per unit is purchased by the State with Federal financial participation, inventories and other records supporting accountability shall be maintained until the State agency is notified of the completion of the Department's review and audit covering the disposition of such equipment.

§ 119.43 Grantee accountability.

A State educational agency receiving grants under Title V of the Act shall, in accordance with procedures established by the Commissioner, render a full accounting of all grant funds paid to it upon the expiration of Title V of the Act or upon the termination of such grants, and refund to the Commissioner any overpayment which might have been made, as determined by such an accounting.

§ 119.44 Allowable expenditures.

Federal funds granted to State educational agencies under Title V of the Act may be used for such expenditures as are necessary to carry out the programs and special projects for which the grants are made. Such expenditures may include (a) salaries, travel and other expenses of professional personnel and supporting staff for time spent on activities reasonably related to such programs or special projects, including payments for leave and employers' contributions to retirement, workmen's compensation, and other welfare funds, which are available under State law to one or more general classes of State agency employees; (b) fees and approved expenses of consultants, advisory committees, and other persons or groups acting in an advisory capacity to the State educational agency in carrying out such programs or special projects; (c) acquisition, maintenance and repair of equipment (including minor remodeling), supplies, and materials, to the extent directly used or consumed in carrying out such programs or special projects; and (d) other expenses (except

those for the acquisition of land or the acquisition, construction, or alteration of buildings) to the extent that they are directly attributable to such programs or special projects.

Dated: July 29, 1965.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: September 3, 1965.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-9516; Filed, Sept. 8, 1965; 8:49 a.m.]

PART 120—INTERCHANGE OF PERSONNEL WITH STATES

Federal financial assistance made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

Sec.
120.1 Definitions.
120.2 Purpose.
120.3 Assignments of personnel.
120.4 Initiation of proposals.
120.5 Duration of assignment.
120.6 Nature and type of assignment.
120.7 Personnel provisions.
120.8 Modification of agreement.
120.9 Termination of agreement.
120.10 Reports and evaluation.

AUTHORITY: The provisions of this Part 120 issued under sec. 507(1) of P.L. 89-10, 79 Stat. 54, 20 U.S.C. 867(1). Interpret or apply secs. 507, 601, 79 Stat. 51, 55, 20 U.S.C. 867, 881.

§ 120.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965 (P.L. 89-10).

(b) "Commissioner" means the United States Commissioner of Education.

(c) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(d) "Office" means the U.S. Office of Education.

(e) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(f) "State agency" means a State or an agency of the State engaged in activities in the field of education, other than a local educational agency, including, for example, the State educational agency or a State college or university.

(g) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

§ 120.2 Purpose.

Under section 507 of the Act, the Commissioner is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States to the Office and assignment of officers and employees of the Office to States, for work which the Commissioner determines will aid the Office in more effectively discharging its responsibilities as authorized by law, including cooperation with States and the provision of technical or other assistance. Such arrangements will be made by the Commissioner in accordance with the provisions of section 507 of the Act, the regulations in this part, and any conditions and procedures which the Commissioner finds necessary to carry out the purpose of the Act and the regulations in this part.

§ 120.3 Assignments of personnel.

Assignments of personnel between the Office and a State agency may include (a) assignments to the State agency of one or more officers or employees of the Office either on detail to a regular work assignment of the Office or on leave without pay from positions in the Office, (b) assignments to the Office of one or more officers or employees of the State agency either with or without appointment in the Office, or (c) interchanges of personnel involving any combination of paragraphs (a) and (b) of this section.

§ 120.4 Initiation of proposals.

A proposal for an assignment of personnel between the Office and a State agency may be made by either the Commissioner or the State agency.

(a) *Office proposals.* When the Commissioner desires to effect with a State agency the assignment of personnel under section 507 of the Act, he will propose an arrangement for that purpose to the appropriate State agency. Upon acceptance of the proposal by the State agency, the Commissioner and the State agency will enter into an agreement which meets the requirements of section 507 of the Act and the regulations in this part.

(b) *State proposals.* A State agency desiring the assignment of personnel under section 507 of the Act shall submit a proposal for an arrangement for that purpose in such manner as may be prescribed by the Commissioner. Information on making such proposals may be obtained from the Office. The Commissioner will notify the State agency in writing of his acceptance or rejection of the proposal. If he rejects the proposal submitted by the State agency, he will provide reasons for his action, and, if modifications would make the proposal acceptable, he may suggest such modifications. If the proposal is accepted by the Office, the Commissioner and the State agency will enter into an agreement which meets the requirements of section 507 of the Act and the regulations in this part.

§ 120.5 Duration of assignment.

Each agreement between the Office and a State agency for an assignment of personnel shall indicate the period of assignment of each officer or employee covered by the agreement. Such a period of assignment shall not exceed 2 years.

§ 120.6 Nature and type of assignment.

Each agreement between the Office and a State agency for assignment of personnel shall indicate the type and describe the nature of the assignment of each officer or employee covered under the arrangement. Specifically, the agreement shall (a) indicate whether the officer or employee of the Office will be on detail to a regular work assignment of the Office or on leave without pay from his position in the Office, or whether the officer or employee of the State agency will be given an appointment in the Office or assigned to the Office without appointment; (b) describe the duties and responsibilities of the officer or employee while on his assignment; and (c) include the name and position title of the person responsible for the supervision of the officer or employee while on the assignment.

§ 120.7 Personnel provisions.

(a) *Office personnel on detail to State agency.* Each agreement for assignment to a State agency of an officer or employee of the Office on detail to a regular work assignment of the Office shall contain provisions with respect to compensation and allowances, travel and transportation expenses, and employee benefits which are consistent with his remaining an officer or employee of the Office. Such an agreement may provide that the compensation, travel and transportation expenses, and allowances (or any part thereof) of the officer or employee will be reimbursed by the State.

(b) *Office personnel on leave without pay.* Each agreement for assignment to a State agency of an officer or employee of the Office on leave without pay from his position in the Office shall, in accordance with section 507 of the Act, contain provisions with respect to the following matters:

(1) Payment by the State of compensation (including allowances) of the officer or employee during the period of assignment, which may include provisions for supplementary salary payments from the Office not in excess of the amount by which the Office rate of compensation (including allowances) exceeds the State rate of compensation (including allowances) and provisions for reimbursement by the State for such supplementary compensation;

(2) Payment by the Office of the expenses of travel of the officer or employee and transportation of his immediate family, household goods and personal effects to and from his initial place

of assignment, which may include provisions for reimbursement by the State for such expenses;

(3) Entitlement to annual and sick leave to the extent authorized by Federal law if that officer or employee were not on leave without pay, but only in circumstances considered by the Commissioner to justify approval of such leave;

(4) Coverage under the Federal Employees' Group Life Insurance Act of 1954, the Federal Employees' Health Benefits Act of 1959, and the Civil Service Retirement Act, including the collection and deposit into the respective Federal funds of all necessary contributions and the election of either benefits available under those Acts or similar benefits available through employment in the State agency;

(5) Coverage under the Federal Employees' Compensation Act, except that the officer or employee so assigned (or his dependents in case of death) may elect either benefits available under that Act or benefits available through employment in the State agency for injury or death; and

(6) Crediting of the period of assignment toward eligibility for periodic or longevity step increases under the Classification Act of 1949.

(c) *State personnel without appointment to Office.* Each agreement for the assignment to the Office of an officer or employee of the State agency without appointment shall contain provisions with respect to compensation and allowances, travel and transportation expenses, and employee benefits which are consistent with his remaining an officer or employee of the State agency, except that, in accordance with section 507 of the Act, provisions shall be contained in the agreement with respect to the following matters:

(1) Payment by the Office of expenses of travel of the officer or employee (but not expenses of transportation of his immediate family, household goods, and personal effects) to and from the place of assignment or during the period of assignment;

(2) Coverage under the Federal Employees' Compensation Act, except that the officer or employee so assigned (or his dependents in case of death) may elect either the benefits under that Act or benefits available through employment in the State agency for injury or death.

(d) *State personnel with appointment to Office.* Each agreement for appointment to the Office of an officer or employee of the State agency for the period of assignment shall, in accordance with section 507 of the Act, contain provisions with respect to the following matters:

(1) Payment by the Office of compensation in accordance with the Classification Act of 1949 and allowances as authorized by Federal law;

(2) Payment by the Office of expenses of travel of the officer or employee (but not expenses of transportation of his immediate family, household goods, and personal effects) to and from the place of assignment and during the period of assignment;

(3) Coverage under the Federal Employees' Compensation Act, except that the officer or employee so appointed (or his dependents in case of death) may elect either the benefits under that Act or benefits available through employment in the State agency for injury or death;

(4) Exclusion of the officer or employee from coverage under the Federal Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act of 1954; and

(5) Coverage under the Federal Employees' Health Benefits Act of 1959, but only if appointment to the Office results in the loss of coverage in a group health benefits plans whose premium has been paid in whole or in part by a contribution of the State agency.

(e) *General provisions.* (1) Notwithstanding any other provision in this section, sections 203, 205, 207, 208, and 209 of Title 18 of the United States Code, relating to conflicts of interest, shall apply to all officers or employees on assignment pursuant to section 507 of the Act.

(2) Each agreement for the assignment of an officer or employee shall provide that the policies of both the Office and the State agency governing the standards of conduct of their personnel shall apply to the officer or employee assigned under the agreement; and, if any such policies conflict, the agreement shall include mutually acceptable provisions indicating which policies in the areas of conflict will prevail.

(3) Each agreement for the assignment of an officer or employee shall provide that the rules and policies of the Office or State agency receiving the officer or employee on assignment with respect to the internal operation and management of the receiving agency (for example, hours of duty, building rules, and operating procedures) shall govern the employment and conduct of such employee or officer except as otherwise provided in the agreement through mutual consent.

(4) Each agreement for the assignment of an officer or employee may contain any other provisions not in violation of the Act or the regulations in this part which the Office or State agency finds necessary to carry out the assignment provided for therein and which are mutually acceptable.

§ 120.8 Modification of agreement.

Each agreement for an assignment of personnel between the Office and a State agency may be shortened, extended, or otherwise modified upon the mutual agreement of both parties. Such modifications shall be in accordance with section 507 of the Act and the regulations in this part.

§ 120.9 Termination of agreement.

Each agreement for an assignment of personnel between the Office and a State agency may be terminated by mutual consent or upon 60 days' notice by either party of its intention to terminate the agreement.

§ 120.10 Reports and evaluation.

The parties to each agreement shall adopt such procedures and make such reports as the Commissioner may find necessary for the evaluation of the progress of assignments under the agreement in light of the purpose stated in section 507(b) of the Act and § 120.2. Such procedures and reports shall include, but not be limited to, (a) periodic consultations between the Office and the State agency, (b) exchange of reports, and (c) maintenance of records supporting such reports and mutual access thereto.

Dated: August 23, 1965.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: September 3, 1965.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-9517; Filed, Sept. 8, 1965; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32259; Sub-No. 3]

PART 110—DESTRUCTION OF RECORDS

Subpart C—Sleeping Car Companies

PERIODS OF RETENTION

Order. At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D.C., on the 27th day of August A.D. 1965.

The Commission having under consideration the matter of regulations governing the destruction of records of sleeping car companies pursuant to provisions of the Interstate Commerce Act, as amended; and

It appearing, that previously published amendments of the regulations require correction of headings for consistency of format, consisting of minor technical changes permissive in nature so that public rule making procedure is deemed unnecessary;

It is ordered, That the correction hereunder be made in the document appearing at 23 F.R. 2128, April 1, 1958, and as published in the Cumulative Pocket Supplement To The Code of Federal Regulations as of January 1, 1965 (49 CFR 110.50): In § 110.50, under the caption "Period to be retained", the subcaption "Now in effect" and the retention periods shown thereunder are deleted. The subcaption "As revised" is also deleted; the retention periods thereunder are retained.

It is further ordered, That this order be served on the Pullman Co., as the only subject sleeping car company, and notice be given the general public

by depositing a copy thereof in the Office of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386; as amended; 49 U.S.C. 20)

By the Commission, division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-9509; Filed, Sept. 8, 1965; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of quail on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,100 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the refuge extends from sunrise to sunset November 20, 1965, through January 15, 1966, inclusive, on Tuesdays, Thursdays, Saturdays, and national holidays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1966.

EARL W. CRAVEN, *Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.*

AUGUST 26, 1965.

[F.R. Doc. 65-9503; Filed, Sept. 8, 1965; 8:46 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges, Oregon and Washington

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), 50 CFR 32.11 and 32.21 are amended by the addition of McNary National Wildlife Refuge, Wash., and Willamette National Wildlife Refuge, Oreg., to the list of areas open to the hunting of migratory game birds, and McNary National Wildlife Refuge, Wash., to the list of areas open to upland game hunting.

It has been determined that regulated hunting of upland game and migratory game birds may be permitted as designated on McNary and Willamette National Wildlife Refuges without detriment to the objectives for which the areas were established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the upland game and migratory game bird seasons in the States of Oregon and Washington. Since the amendment benefits the public by allowing upland game and migratory game bird hunting on McNary and Willamette National Wildlife Refuges, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following areas to those where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

OREGON

WILLAMETTE NATIONAL WILDLIFE REFUGE

WASHINGTON

MCNARY NATIONAL WILDLIFE REFUGE

2. Section 32.21 is amended by the addition of the following area to those where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

WASHINGTON

MCNARY NATIONAL WILDLIFE REFUGE

JOHN A. CARVER, Jr., *Under Secretary of the Interior.*

SEPTEMBER 3, 1965.

[F.R. Doc. 65-9557; Filed, Sept. 8, 1965; 8:58 a.m.]

PART 32—HUNTING

Camas National Wildlife Refuge, Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Camas National Wildlife Refuge, Idaho, is permitted from October 9, 1965, through January 6, 1966, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,440 acres, is delineated on maps available at refuge headquarters, Hamer, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

PAUL T. QUICK, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 26, 1965.

[F.R. Doc. 65-9522; Filed, Sept. 8, 1965; 8:51 a.m.]

PART 32—HUNTING

Fallon National Wildlife Refuge, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

FALLON NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Fallon National Wildlife Refuge is permitted from October 16, 1965, through January 9, 1966, only on the area designated by signs as open to hunting. This open area, comprising 9,600 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32 and are effective through January 9, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9526; Filed, Sept. 8, 1965; 8:52 a.m.]

PART 32—HUNTING

Stillwater Wildlife Management Area, Nev.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEVADA

STILLWATER WILDLIFE MANAGEMENT AREA

The public hunting of ducks, geese, coots and gallinules on the Stillwater Wildlife Management Area is permitted from October 16, 1965, through January 9, 1966, only on the area designated by signs as open to hunting. This open area, comprising 180,430 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 9, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9527; Filed, Sept. 8, 1965; 8:52 a.m.]

PART 32—HUNTING

Cold Springs National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Cold Springs National Wildlife Refuge is permitted from October 9, 1965, through January 16, 1966, and the hunting of geese is permitted from October 9, 1965, through January 6, 1966, only on the area designated by signs as open to hunting. This open area, comprising 900 acres, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

(2) Motor vehicles will be permitted only at designated parking areas.

(3) Boats without motors may be used for hunting.

(4) Temporary blinds may be constructed of vegetative material but the digging of pits is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 16, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9528; Filed, Sept. 8, 1965; 8:52 a.m.]

PART 32—HUNTING

Klamath Forest National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Klamath Forest National Wildlife Refuge is permitted from October 9, 1965, through January 6, 1966, and the hunting of snipe is permitted from October 23, 1965, through December 11, 1965, only on the area designated by signs as open to hunting. This open area, comprising 3,675 acres, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Boats with motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and air-thrust boats are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 6, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9529; Filed, Sept. 8, 1965; 8:52 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the McKay Creek National Wildlife Refuge is permitted from October 9, 1965, through January 16, 1966, and the hunting of geese is permitted from October 9, 1965, through January 6, 1966, only on the area designated by signs as open to hunting. This open area, comprising 660 acres, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) The use of boats is permitted, but motors may be used on boats only for access to the hunting area.

(2) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9530; Filed, Sept. 8, 1965; 8:53 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and gallinules on the Malheur National Wildlife Refuge is permitted from October 9, 1965, through January 6, 1966, only on the area designated by signs as open to hunting. This open area, comprising 9,900 acres, is delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Camping is permitted in designated areas only.

(2) A Federal permit is not required but hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9531; Filed, Sept. 8, 1965; 8:53 a.m.]

PART 32—HUNTING

Upper Klamath National Wildlife Refuge, Oreg.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Upper Klamath National Wildlife Refuge is permitted from October 9, 1965, through January 6, 1966, only on the area designated by signs as open to hunting. This open area, comprising 3,364 acres, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Boats with motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9532; Filed, Sept. 8, 1965; 8:53 a.m.]

PART 32—HUNTING

Reelfoot National Wildlife Refuge, Ky.

On page 8630 of the FEDERAL REGISTER of July 8, 1965, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to authorize the hunting of upland game on that portion of the Reelfoot National Wildlife Refuge lying within the State of Kentucky.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposal. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d)

Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

KENTUCKY

Reelfoot National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

SEPTEMBER 2, 1965.

[F.R. Doc. 65-9523; Filed, Sept. 8, 1965; 8:51 a.m.]

PART 32—HUNTING

National Wildlife Refuges, Mont., and Certain Other States

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), 50 CFR 32.21 is amended by the addition of Bowdoin National Wildlife Refuge, Mont., Cold Springs National Wildlife Refuge, Oreg., and Pathfinder National Wildlife Refuge, Wyo., to the list of wildlife refuges open to upland game hunting.

It has been determined that regulated hunting of upland game may be permitted as designated on Bowdoin National Wildlife Refuge, Cold Springs National Wildlife Refuge, and Pathfinder National Wildlife Refuge without detriment to the objectives for which the areas were established.

Notice and public procedure on this amendment are deemed contrary to the public interest because of the proximity of the upland game season in the States of Montana, Oregon, and Wyoming. Since the amendment benefits the public by allowing upland game hunting on Bowdoin, Cold Springs, and Pathfinder National Wildlife Refuges, it shall become effective upon publication in the FEDERAL REGISTER.

Section 32.21 is amended by the addition of the following areas to those where upland game hunting is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

MONTANA

Bowdoin National Wildlife Refuge.

OREGON

Cold Springs National Wildlife Refuge.

WYOMING

Pathfinder National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

SEPTEMBER 2, 1965.

[F.R. Doc. 65-9524; Filed, Sept. 8, 1965; 8:51 a.m.]

PART 32—HUNTING

Red Rock Lakes National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

The public hunting of big game on the Red Rock Lakes National Wildlife Refuge, Mont., is permitted from October 24 through November 28, 1965, inclusive, but only on the area designated by signs as open to hunting. The open areas, comprising 9,900 acres for antelope and moose and 4,700 acres for deer and elk are delineated on a map available at refuge headquarters, Monida, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oreg., 97208. Hunting for antelope, deer, elk and moose shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) Hunting for moose shall be by permit only; permits must be obtained from the State Fish and Game Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 28, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 27, 1965.

[F.R. Doc. 65-9525; Filed, Sept. 8, 1965; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Certain National Wildlife Refuges, New Mexico and Wyoming

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), it is proposed to amend 50 CFR 32.11 by the addition of Bosque del Apache National Wildlife Refuge, N. Mex., and Pathfinder National Wildlife Refuge, Wyo., to the list of wildlife refuges open to the hunting of migratory game birds.

It has been determined that the regulated hunting of migratory game birds may be permitted on the Bosque del Apache National Wildlife Refuge and the Pathfinder National Wildlife Refuge without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of the notice in the FEDERAL REGISTER.

Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

NEW MEXICO

Bosque del Apache National Wildlife Refuge.

WYOMING

Pathfinder National Wildlife Refuge.

JOHN A. CARVER, Jr.
Under Secretary of the Interior.

SEPTEMBER 8, 1965.

[F.R. Doc. 65-9533; Filed, Sept. 8, 1965; 8:53 a.m.]

[50 CFR Parts 32, 33]

HUNTING AND SPORT FISHING

Certain National Wildlife Refuges, Montana and Oklahoma

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), it is proposed to amend 50 CFR 32.31 and 33.4 by the addition of Tishomingo National Wildlife Refuge, Oklahoma, to the list of areas open to the hunting of big game, and Bowdoin National Wildlife Refuge, Montana, to the list of areas open to sport fishing.

It has been determined that sport fishing and the regulated hunting of big game may be permitted as designated on Bowdoin National Wildlife Refuge and Tishomingo National Wildlife Refuge without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

OKLAHOMA

Tishomingo National Wildlife Refuge.

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

MONTANA

Bowdoin National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

SEPTEMBER 2, 1965.

[F.R. Doc. 65-9534; Filed, Sept. 8, 1965; 8:53 a.m.]

[50 CFR Parts 32, 33]

HUNTING AND SPORT FISHING

Kootenai National Wildlife Refuge, Idaho

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.11, 32.21, 32.31, and 33.4 by the addition of Kootenai National Wildlife Refuge, Idaho, to the list of areas open to the hunting of migratory game birds, upland game, and big game and to the list of areas open to sport fishing.

It has been determined that sport fishing and the regulated hunting of upland game, big game, and migratory game birds may be permitted as designated on Kootenai National Wildlife Refuge, Idaho, without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

IDAHO

Kootenai National Wildlife Refuge.

2. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

IDAHO

Kootenai National Wildlife Refuge.

3. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

IDAHO

Kootenai National Wildlife Refuge.

4. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

IDAHO

Kootenai National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

SEPTEMBER 2, 1965.

[F.R. Doc. 65-9535; Filed, Sept. 8, 1965; 8:54 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for 1965–66 Crop Year

Notice is hereby given of a proposal to establish, for the 1965–66 crop year, salable and reserve percentages for California dried prunes of 80 and 20 percent, respectively, and, in connection therewith, the required composition of each handler's reserve obligation. The proposal would be established in accordance with provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 30 F.R. 9797) regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Prune Administrative Committee.

All persons who desire to present written data, views or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates:

Item	Tons of dried prunes	
	Natural condition weight	Processed weight
1. Salable carryover (Aug. 1, 1965)	38,000	
2. 1965 production	180,000	
3. Total estimated supply (Items 1+2)	218,000	
4. Domestic [1] trade demand		120,000
5. Foreign [2] trade demand		45,000
6. Desirable salable carryout (July 31, 1966)		26,000
7. Total requirements (Items 5+6+7)	185,437	191,000
8. Reserve (Item 3–Item 7)	32,563	
9. Adjustment for underestimation of production	5,000	
10. Adjusted reserve (Items 8+9)	37,563	

[1] United States, Canal Zone, Puerto Rico, Virgin Islands, and Canada.
[2] All countries other than those specified in footnote 1

§ 993.201 Salable and reserve percentages for dried prunes and handler reserve obligation for the 1965–66 crop year.

The salable and reserve percentages for the 1965–66 crop year shall be 80 percent and 20 percent, respectively. The reserve obligation of each handler shall be a weight of natural condition prunes, by variaties, equal to the sum of the results of applying the reserve percentage of 20 percent to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such obligation as to substandard prunes shall be a weight equivalent to one-half of the excess off-grade prunes in each lot (i.e., defective prunes in excess of the tolerances prescribed pursuant to § 993.49 for standard prunes after excluding the weight obligation of § 993.49(c)), but the obligation weight shall not exceed 20 percent of the weight of the lot; and as to standard prunes shall be a weight representing any balance necessary to meet a total obligation weight of 20 percent. Both the substandard prunes and the standard prunes shall be apportioned among the field pricing size categories consistent with the apportionment of the average size count of the lots received and shall not exceed in count the top of any such category. Such size categories shall be as follows:

Standard French prunes—34/50, 51/60, 61/70, 71/81, 82/101, 102/111, and off-size 112/121 and 122/up.

Substandard French prunes—70/larger, 71/101, and 102/up.

Standard Non-French prunes (except Robe de Sargent)—24/larger, 25/29, 30/33, 34/50, and off-size 51/up.

Substandard Non-French prunes—51/larger and 52/81.

Standard Robe de Sargent—34/50, 51/60, and off-size 61/up.

Substandard Robe de Sargent—61/larger and 62/up.

Dated: September 2, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-9546; Filed, Sept. 8, 1965; 8:56 a.m.]

Consumer and Marketing Service

[7 CFR Part 925]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Approval of Expenses and Fixing of Rate of Assessment for the 1965–66 Fiscal Period

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, during the period from July 1, 1965, through June 30, 1966, will amount to $5,690, and (2) that there be fixed, at $0.01 per one-half bushel or equivalent quantity of prunes, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 2, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-9495; Filed, Sept. 8, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 121]

[Docket No. 6897; Notice No. 65-21]

TRAINING PROGRAM: INITIAL FLIGHT ASSIGNMENT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending § 121.414(c)(3) of the training program requirements to permit a reduction in the hours of initial flight assignments for cabin attendants and dispatchers based on the substitution of one takeoff and one landing for one required hour of flight.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 8, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The recent complete revision of the training program requirements of FAR Part 121 (Amendment 121–7 published in the FEDERAL REGISTER on May 18, 1965, 30 F.R. 6725) contained a requirement that each approved training program must provide a specified number of hours of initial flight assignment for each pilot in command, second in command, flight engineer, aircraft dispatcher, and flight attendant. In addition, § 121.414(c)(3) provides "The hours of initial flight assignment set forth in column V of appendix E may be reduced (not to exceed 50 percent) for pilots and flight en-

gineers by substituting one takeoff and one landing for each required hour of flight."

The Agency has been requested to consider extending this authorization to aircraft dispatchers and flight attendants. The Agency believes that the same reasoning by which it originally adopted this provision for pilots and flight engineers would justify extending it to dispatchers and flight attendants. Basically the justification for giving credit for one hour of flight time for one takeoff and one landing is the Agency's belief that in most situations the takeoff and landing sequence provides as great an opportunity for training, learning, and meaningful demonstrations of skill as does one hour of routine in flight time.

For flight attendants and aircraft dispatchers the adoption of this amendment would mean that in any event at least 2½ hours of flight would be required since the substitution of takeoffs and landings could not reduce the required hours by more than 50 percent.

In consideration of the foregoing, it is proposed to amend paragraph (c) (3) of § 121.414 to read as follows:

§ 121.414 **Curriculum requirements.**

* * * * *

(c) *Reduction in programmed hours initial flight training and initial flight assignments.* A reduction in the programmed hours of initial flight training is permitted as follows:

* * * * *

(3) The hours of initial flight assignment set forth in column V of appendix E may be reduced (not to exceed 50 percent) by substituting one takeoff and one landing for each required hour of flight.

This amendment is proposed under the authority of sections 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424, and 1425).

Issued in Washington, D.C., on September 2, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-9473; Filed, Sept. 8, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3–H]

BULK, CRUDE, UNDRIED SOLAR SALT FROM MEXICO

Antidumping Proceeding Notice

SEPTEMBER 1, 1965.

On August 17, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs regulations indicating a possibility that bulk, crude, undried solar salt imported from Mexico, manufactured by Cia Exportadora de Sal, Baja California, Mexico, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

The salt under consideration is an industrial grade salt used in the chemical industry.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

Home market sales were said to be nonexistent. The delivered price to third countries, netted back, to point of shipment, is substantially higher than the net, f.o.b. price to the United States purchaser.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1)(ii), (2), and (3) of the Customs regulations.

The information was submitted by Moran and Crowley, Washington, D.C., on behalf of Leslie Salt Company, San Francisco, California, and Western Salt Company, San Diego, California.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–9518; Filed, Sept. 8, 1965; 8:50 a.m.]

[Antidumping—AA 643.3–W]

STEEL JACKS FROM CANADA

Withholding of Appraisement Notice

SEPTEMBER 2, 1965.

On May 8, 1965, a "Withholding of Appraisement" notice was published in the FEDERAL REGISTER, volume 30, No. 89, page 6445, with regard to steel jacks from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Waterloo, Ontario, Canada.

The available information was insufficient to state the appropriate basis of comparison with foreign market value.

Information now available discloses that purchase price is the appropriate basis of comparison for fair value purposes.

This supplementary notice is published pursuant to § 14.6(e) of the Customs regulations 19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–9519; Filed, Sept. 8, 1965; 8:50 a.m.]

Foreign Assets Control

IMPORTATION OF WOOLEN (BRAIDED) RUGS DIRECTLY FROM HONG KONG

Available Certifications by Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Rugs, woolen (braided).

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65–9520; Filed, Sept. 8, 1965; 8:50 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SETTLEMENT OF CLAIMS

Delegation of Authority

The Deputy Secretary of Defense approved the following delegation of authority August 18, 1965:

REFERENCES: (a) DoD Directive 5515.3 subject as above, June 27, 1963 (hereby canceled).

(b) DoD Directive 5515.7, subject: Settlement of Claims Arising from the Activities of Civilian Employees of the Department of Defense, July 20, 1960 (hereby canceled).

I. *Delegation of Authority.* A. The authority vested in the Secretary of Defense by 10 U.S.C. 2734(a) and 2734(b) is delegated to the Secretaries of the Army, Navy, and Air Force.

B. When one military department has been or may be assigned responsibility for claims in a particular country or area, that department shall make all reimbursements and payments under the subject law.

II. *Designation of Claims Commissions.* By virtue of the authority vested in the Secretary of Defense by 10 U.S.C. 2734(h) I designate all claims commissions appointed under subsection 2734(a) to settle and pay claims covered by subsection 2734(h).

III. *Implementation.* A. Regulations of each military department will provide that all claims arising under 10 U.S.C. 2733 and 2734 in a country or area for which it has been assigned responsibility shall normally be settled and paid by claims commissions or other claims settlement authorities appointed by, or by designee of, the Secretary of that military department in accordance with the department's regulations.

B. Two copies of such implementations shall be forwarded to the Assistant Secretary of Defense (International Security Affairs) within sixty (60) days.

IV. *Cancellations.* References (a) and (b) are hereby superseded and canceled.

V. *Effective date.* This Directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Administration).

[F.R. Doc. 65–9497; Filed, Sept. 8, 1965; 8:46 a.m.]

DEPARTMENT OF DEFENSE INDUSTRIAL DEFENSE PROGRAM

The Deputy Secretary of Defense approved the following on June 26, 1965:

REFERENCES: (a) Deputy Secretary of Defense multiple-addressee memorandum, "Reassignment of Industrial Facilities Protection Functions," April 20, 1963 (hereby canceled).

(b) DoD Directive 5220.20, "DoD Industrial Defense Program," July 18, 1956 (hereby canceled).

(c) DoD Instruction 5220.21, "DoD Industrial Defense Program," June 28, 1960 (hereby canceled).

(d) Armed Forces Industrial Defense Regulations (AR 580–20, NAVEXOS–P–1441 (Rev. 8–60), AFR 78–13), Revision No. 2, October 1960.

(e) Internal Security Act of 1950, as amended (64 Stat. 992, 50 U.S.C. 784(b)).

I. *Purpose.* This Directive reassigns industrial defense responsibilities, and delegates authority for carrying out the provisions of section 5(b) of the Internal Security Act of 1950, as amended.

II. *Cancellation.* A. References (a) and (b) are superseded and cancelled on the effective date of this Directive.

B. Reference (c), including Report Control Symbol, DD–S&L(A)410, is cancelled, effective August 1, 1965.

C. Reference (d), shall be cancelled by the Military Departments, effective August 1, 1965.

III. *Applicability.* A. This Directive applies to the Military Departments, the Defense Supply Agency, and the National Security Agency.

B. The provisions of this Directive do not extend to government-owned and operated command installations.

IV. *Definitions.* A. "Industrial Defense" means the safeguarding of industrial facilities from sabotage and other hostile or destructive acts through the application of physical security measures and emergency preparedness measures.

1. Physical security measures include civilian guard forces, perimeter barriers, protective lighting, intrusion alarms, employee identification, visitor control, package control and other similar measures to prevent unauthorized entry, or to control authorized entry.

2. Emergency preparedness measures include personnel shelters, continuity of management, fire prevention, emergency repair, records protection and other similar plans and measures to minimize the effects of enemy attack or natural disaster on the operating capability of industrial facilities.

B. "Industrial Facility" means any physical plant or structure used for manufacturing, producing, processing, assembling, storing or distributing goods or materials; or any physical plant or structure used by a utility or service industry for furnishing communications, electric power, transportation, and water supply. This term includes privately-owned and operated plants or structures, and, with the exception of command installations, it includes government-owned and operated plants, and government-owned plants which are contractor operated.

C. "Command Installation" means any government-owned or leased facility operated by a Military Department or Agency of the Department of Defense, the Atomic Energy Commission, the Coast Guard, or the Maritime Administration, which is used to accomplish an assigned strategic or tactical mission, to produce, process, assemble, store, or distribute military materiel, or to perform a service pertaining to military operations. The term also includes any government-owned or leased facility operated by a private contractor under the authority of the Atomic Energy Commission.

V. *Policy.* A. It is the policy of the Department of Defense to develop and promote industrial defense, to encourage industry to protect its facilities from sabotage and other hostile or destructive acts, and to provide industrial management with advice and guidance concerning the application of physical security and emergency preparedness measures.

B. In the administration of the DoD Industrial Defense Program primary emphasis shall be given to safeguarding industrial facilities important to national defense.

C. The protection of property is an inherent responsibility of ownership. Accordingly, the Department of Defense does not assume primary responsibility for the physical security of privately-owned facilities, federally-owned facilities under the control of other Federal departments and agencies, or facilities owned by any state or political subdivision of any state.

VI. *Responsibilities and authorities.* A. The Secretary of the Army, or his designee, shall be responsible for:

1. Evaluating the relative importance of industrial facilities, under the criteria established by the Joint Chiefs of Staff, and determining for inclusion in the "DoD Key Facilities List", those industrial facilities which are of outstanding importance to the support of military production programs or military operations.

2. Administering the DoD Industrial Defense Program, including (a) the development of physical security standards and procedures and (b) the conduct of periodic, on site, industrial defense surveys of key industrial facilities in the United States, for assessing their vulnerability to sabotage and other hostile or destructive acts, and for providing guidance and technical assistance to industrial management on countermeasures to prevent or minimize damage from such acts.

3. Maintaining liaison with the Military Department assigned responsibility under the DoD Plant Cognizance Program, or with the Defense Supply Agency, regarding the industrial defense survey of facilities in which the Department of Defense has a contractual interest.

B. The authority to designate "defense facilities" and to perform other functions assigned to the Secretary of Defense by section 5(b) of the Internal Security Act of 1950, as amended (50 U.S.C. 784(b)), reference (e), is delegated to the Secretary of the Army. This authority may not be redelegated below the level of an Assistant Secretary of the Army.

C. The Secretaries of the Navy and Air Force and the Directors of the Defense Supply Agency and National Security Agency, or their designees, shall determine, on a continuing basis, those industrial facilities which are of outstanding importance to the support of production or mobilization programs under their cognizance, and shall recommend to the Department of the Army the inclusion of such facilities in the "DoD Key Facilities List."

VII. *Administration.* A. The transfer of personnel spaces and other resources to the Department of the Army from other components of the Department of Defense will be made in accordance with established Department of Defense procedures.

B. The Department of the Army is responsible for programming, budgeting, and financing the administration of the DoD Industrial Defense Program.

VIII. *Effective date.* This Directive is effective immediately. The functions in section VI. shall become operational August 1, 1965.

MAURICE W. ROCHE,
Chief, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-9498; Filed, Sept. 8, 1965; 8:46 a.m.]

DEPARTMENT OF DEFENSE INDUSTRIAL SECURITY PROGRAM

The Deputy Secretary of Defense approved the following on July 30, 1965:

REFERENCES: (a) DoD Instruction 5220.22, "Department of Defense Industrial Security Program," July 18, 1956 (hereby cancelled); (b) DoD Directive 5220.6, "Industrial Personnel Access Authorization Review Regulation," July 28, 1960.

I. *Reissuance.* This Directive updates the Department of Defense Industrial Security Program (DISP) by realigning and delineating responsibilities and functions connected with (1) the DoD Industrial Security Manual (DoDISM) and the DoD Industrial Security Regulation (DoDISR), and (2) security cognizance under the DISP. Reference (b) under the DISP remains unchanged. Reference (a) and the Joint Regulation AR 380-130/OPNAV Inst. 5540.8C/AFR-205-4 and the Industrial Security Manual, both dated December 31, 1962, authorized thereunder, are superseded and cancelled.

II. *Applicability and scope.* The provisions of this Directive apply to all DoD Components, and govern security relationships between DoD Components and United States industry, including educational and research institutions, located within the United States, its possessions, Trust Territories and Puerto Rico.

III. *Definitions.* A. Industrial Security: That portion of internal United States security which is concerned with the protection of classified information in the hands of industry.

B. Security Cognizance. Responsibility for implementation of the DISP for an individual United States industrial facility.

C. Contractor. Any industrial, educational, commercial or other entity which has executed a contractor or a Department of Defense Security Agreement (DD Form 441) with a Department of Defense agency or activity.

IV. *Program policies.* Subject to the provisions of subsections A, B, and C, below, all DISP policies and procedures issued by the Director, Defense Supply Agency (DSA) (including specific requirements, restrictions and other safeguards considered necessary to protect releases of DoD classified information to United States industry, classified information of other Executive Departments and agencies of the Government, intelligence and intelligence information produced by members of the United States Intelligence Board, and certain foreign classified information) will be incorporated in the following DoD Issuances:

A. The DoD Industrial Security Regulation will contain policies and procedures to be followed by DoD Components, and those User Agencies which have agreed to participate in the DISP.

B. The DoD Industrial Security Manual will (a) contain policies and procedures to be followed by industry in protecting classified information in its possession, and (b) be distributed to each contractor executing DoD Form 441, "DD Security Agreement".

C. Guidance Letters from the Director, Defense Supply Agency, or his designee, will furnish advance instructions, guidance, interpretations of security procedures and other information, as necessary.

V. *Responsibilities.* A. The Assistant Secretary of Defense (Manpower) shall provide overall policy guidance and advice, as appropriate, to the Director, DSA

with respect to the DISP. In carrying out this responsibility, the ASD(M) will:

1. Review the DoDISM, the DoDISR, and Guidance Letters, and all proposed amendments to such issuances, for consistency with DoD security policy.

2. Upon request of other Government agencies agree, on behalf of the DoD, to apply the provisions of the DISP to contractors of such agencies and to render on a reimbursable basis industrial security services required for the protection of classified information released by such agencies to industry. The ASD(M) will keep the Director, DSA, currently informed of all such agreements and arrangements.

B. The Assistant Secretary of Defense (Installations and Logistics) shall review the DoDISM, and the DoDISR, and Guidance Letters, and all amendments to such issuances, for consistency with DoD procurement policies.

C. The Director, Defense Supply Agency, or his designee, shall administer the DoD Industrial Security Program. In this capacity, the Director, DSA, shall assume security cognizance for all United States industrial facilities under the DISP, secure, on behalf of the DSA and the Military Departments, reimbursement for industrial security services rendered other Government agencies, pursuant to paragraph V.A.2 above; and

1. Develop and publish the DoDISM and the DoDISR, and amendments thereto, as appropriate.

2. Coordinate proposed amendments with DoD Components and User Agencies, as appropriate.

3. Submit proposed amendments to ASD(M), ASD(I&L) and ASD(PA) for policy guidance on matters falling within their respective areas of responsibility.

4. Publish the amendments in the DoDISM and the DoDISR, following consideration of such comments as are submitted, consistent with guidance submitted by the ASD(M), ASD(I&L) and ASD(PA).

5. Advise the ASD(M) and the ASD (I&L) and the Secretaries of the Military Departments of the specific dates when the Director, DSA, assumes security cognizance over defense contractor facilities which have been under the security cognizance of the Military Departments.

6. Keep the ASD(M), ASD(I&L) and ASD(PA) fully and currently informed of all significant matters pertaining to the DISP falling within their assigned areas of responsibility.

D. The Assistant Secretary of Defense (Public Affairs) shall review those areas of the DoDISM, the DoDISR, and Guidance Letters, and all amendments to such issuances, which involve the public release of information, for consistency with DoD public affairs policies.

E. The Secretaries of the Military Departments shall:

1. Provide investigative and counterintelligence support to the Industrial Security Program.

2. Assist, as appropriate, the DSA by developing and proposing changes to the DoDISM and the DoDISR in those areas of interest that affect the Military Departments, such as:

a. the responsibilities of the Military Departments for contracting officers,

b. the internal security policies and procedures of the Military Departments, and

c. the investigative or counterintelligence support furnished by the Military Departments.

3. Continue in effect security cognizant assignments for defense contractor facilities until the Director, DSA assumes, and furnishes notice of, such responsibility, as set forth in subsection C., above.

MAURICE W. ROCHE,
Chief, Correspondence and Directives Division, OASD(Administration).

[F.R. Doc. 65-9499; Filed, Sept. 8, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MAINE, MISSOURI, AND TEXAS

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Maine, Missouri and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MAINE

Androscoggin.	Oxford.
Franklin.	Piscataquis.
Hancock.	Sagadahoc.
Kennebec.	Somerset.
Knox.	Waldo.
Lincoln.	Washington.

MISSOURI

Clay.	Jackson.

TEXAS

Brazoria.	Hays.
Caldwell.	Limestone.
Delta.	Montgomery.
Galveston.	

It has also been determined that in the hereinafter-named counties in the State of Maine the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Maine	*Previous designation*
Cumberland	30 F.R. 653.
York	30 F.R. 653.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Maine and Missouri counties after December 31, 1966, or in the above-named Texas counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 3d day of September 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-9547; Filed, Sept. 8, 1965; 8:56 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 24-59]

TRADE-ALL ENTERPRISES, LTD., AND IRVING E. BORDO

Order Temporarily Denying Export Privileges

In the matter of Trade-All Enterprises, Limited, and Irving E. Bordo, President, Post Office Box 26, Station T, 1645 Bathurst Street, Toronto 19, Ontario, Canada, respondents; File No. 24-59.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondents. It was requested that the order remain in effect for a period of 30 days, pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondents.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for 30 days.

The evidence and recommendation of the Compliance Commissioner have been considered. On the evidence presented there is reasonable basis to believe that Trade-All Enterprises, Limited, is a Canadian corporation with a place of business in Toronto, Ontario, Canada; that it is engaged in the import-export business; that Irving E. Bordo is president of said firm and the official primarily responsible for conducting the affairs of said firm; that said firm purchased from a U.S. manufacturer a quantity of textile machinery parts; that it is the intention of the respondents to have said parts ultimately delivered to a consignee in Cuba; that said parts were exported from the United States to Trade-All in Canada; that the respondents have reexported said parts from Canada to an intermediate consignee in Glasgow, Scotland, with the intention of having the goods on-shipped for ultimate delivery to Cuba; and that reexportation of said goods to Cuba will be in violation of the U.S. Export Regulations. In order to prevent the unlawful reexportation, transshipment, and diversion of said goods, I find that an order

denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security.

Under the terms of this order, as more fully set forth in paragraph V hereof, all parties in the United States and elsewhere, without specific authorization from the Bureau of International Commerce, are prohibited from participating with respondents in any transaction involving the goods in question or involving any other goods or technical data exported or to be exported from the United States. Such participation includes buying, selling, delivering, storing, forwarding, transporting, and financing the particular exportation above-referred to or any other exportation from the United States in which the respondents have an interest.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of 30 days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to a specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: September 1, 1965.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65-9508; Filed, Sept. 8, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16165]

EASTERN-LANSA AGREEMENT

Notice of Reassignment of Place of Hearing

In the matter of the application of Eastern Air Lines, Inc., for approval of an agreement between Eastern and Lineas Aereas Nacionales, S.A.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding assigned to be held on October 25, 1965, at 10 a.m., local time, in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., is hereby reassigned to be held in Room 911 of said building on October 25, 1965, at 10 a.m., before the undersigned examiner.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before October 18, 1965, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., September 2, 1965.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 65-9536; Filed, Sept. 8, 1965; 8:54 a.m.]

FEDERAL AVIATION AGENCY

AREA OFFICE AT DENVER, COLO.

Notice of Opening

Notice is hereby given that on October 3, 1965, the Denver Area Office, Federal Aviation Agency, Western Region, will be opened.

Establishment of this office is part of the Agency's plan for providing better service to the aviation public by placing the decision-making authority at the lowest practicable level of organization.

The plan calls for establishment of area managers with comprehensive authority in each of 18 area offices in the Agency's five regions in the continental United States. Lines of supervision will be from the regional director to the area manager, to the area branch chiefs, to the field activities.

The major operating programs with which the public is concerned are represented at the area offices. These programs are: Air Traffic, Flight Standards, Airway Facilities and Airports.

The Denver Area Office, Federal Aviation Agency, will serve the geographic area consisting of the states of Colorado and Wyoming. Regional field offices and facilities in the area continue to serve as in the past. Submissions to, and contacts with such field elements remain the same, except that functions and services previously performed by the Airport District Office, the Installation and Materiel District Office, and the Systems Maintenance District Office, all in Denver, Colo., are absorbed by the area office. Requests or submissions previously directed to those district offices should be sent to the area manager. Communications to the area office should be addressed as follows:

Area Manager,
Federal Aviation Agency,
8055 East 32d Avenue,
Stapleton Field,
Denver, Colo., 80207.

The Federal Aviation Agency Organization Statement of March 10, 1965, 30 F.R. 3395, will be amended to reflect this action.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-9474; Filed, Sept. 8, 1965; 8:45 a.m.]

AREA OFFICE AT LOS ANGELES, CALIF.

Notice of Opening

Notice is hereby given that on October 3, 1965, the Los Angeles Area Office, Federal Aviation Agency, Western Region, will be opened.

Establishment of this office is part of the Agency's plan for providing better service to the aviation public by placing the decision-making authority at the lowest practicable level of organization.

The plan calls for establishment of area managers with comprehensive authority in each of 18 area offices in the Agency's five regions in the continental United States. Lines of supervision will be from the regional director to the area manager, to the area branch chiefs, to the field activities.

The major operating programs with which the public is concerned are represented at the area offices. These programs are: Air Traffic, Flight Standards, Airway Facilities and Airports.

The Los Angeles Area Office, Federal Aviation Agency, will serve the geographic area consisting of the State of Arizona and the following 10 counties in the State of California:

Imperial.	Riverside.
Inyo.	San Bernardino.
Kern.	San Diego.
Los Angeles.	Santa Barbara.
Orange.	Ventura.

Regional field offices and facilities in the area continue to serve as in the past. Submissions to, and contacts with such field elements remain the same, except that functions and services previously performed by the Airport District Office, the Installation and Materiel District Office and the Systems Maintenance District Office, all in Los Angeles, Calif., are absorbed by the area office. Requests or submissions previously directed to those district offices should be sent to the area manager. Although the area office is responsible for airport and maintenance functions throughout the area, the Airports District Office, Phoenix, Ariz., the Systems Maintenance District Office, Phoenix, Ariz., and the Systems Maintenance District Office at Bakersfield, Calif., will remain open to provide local service. Communications to the area office should be addressed as follows:

Area Manager,
Federal Aviation Agency,
Post Office Box 45018,
Los Angeles, Calif., 90045.

The Federal Aviation Agency Organization Statement of March 10, 1965, 30 F.R. 3395, will be amended to reflect this action.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-9475; Filed, Sept. 8, 1965; 8:45 a.m.]

AREA OFFICE AT SALT LAKE CITY, UTAH

Notice of Opening

Notice is hereby given that on October 3, 1965, the Salt Lake City Area Office, Federal Aviation Agency, Western Region, will be opened.

Establishment of this office is part of the Agency's plan for providing better service to the aviation public by placing the decision-making authority at the lowest practicable level or organization.

The plan calls for establishment of area managers with comprehensive authority in each of 18 area offices in the Agency's five regions in the continental United States. Lines of supervision will be from the regional director to the area manager, to the area branch chiefs, to the field activities.

The major operating programs with which the public is concerned are represented at the area Offices. These programs are: Air Traffic, Flight Standards, Airway Facilities and Airports.

The Salt Lake City Area Office, Federal Aviation Agency, will serve the geographic area consisting of the states of Idaho, Nevada, and Utah. Regional field offices and facilities in the area continue to serve as in the past. Submissions to and contacts with such field elements remain the same, except that functions and services previously performed by the Installation and Materiel District Office, Salt Lake City, and the Systems Maintenance District Office, Salt Lake City, are absorbed by the area office. Requests or submissions previously directed to those district offices should be sent to the area manager. Although the area office is responsible for airport and maintenance functions throughout the area, the Airports District Office and the Systems Maintenance District Office at Reno, Nev., will remain open to provide local service. Communications to the area office should be addressed as follows:

Area Manager,
Federal Aviation Agency,
116 North 23d West,
Salt Lake City, Utah, 84116.

The Federal Aviation Agency Organization Statement of March 10, 1965, 30 F.R. 3395, will be amended to reflect this action.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-9476; Filed, Sept. 8, 1965; 8:45 a.m.]

AREA OFFICE AT SAN FRANCISCO, CALIF.

Notice of Opening

Notice is hereby given that on October 3, 1965, the San Francisco Area Office, Federal Aviation Agency, Western Region, will be opened.

Establishment of this office is part of the Agency's plan for providing better service to the aviation public by placing the decision-making authority at the lowest practicable level of organization.

The plan calls for establishment of area managers with comprehensive authority in each of 18 area offices in the Agency's five regions in the continental United States. Lines of supervision will be from the regional director to the area manager, to the area branch chiefs, to the field activities.

The major operating programs with which the public is concerned are represented at the area offices. These programs are: Air Traffic, Flight Standards, Airway Facilities and Airports.

The San Francisco Area Office, Federal Aviation Agency, will serve the geographic area consisting of the following 48 counties of the State of California.

Alameda.	Nevada.
Alpine.	Placer.
Amador.	Plumas.
Butte.	Sacramento.
Calaveras.	San Benito.
Colusa.	San Francisco.
Contra Costa.	San Joaquin.
Del Norte.	San Luis Obispo.
El Dorado.	San Mateo.
Fresno.	Santa Clara.
Glenn.	Santa Cruz.
Humboldt.	Shasta.
Kings.	Sierra.
Lake.	Siskiyou.
Lassen.	Solano.
Madera.	Sonoma.
Marin.	Stanislaus.
Mariposa.	Sutter.
Mendocino.	Tehama.
Merced.	Trinity.
Modoc.	Tulare.
Mono.	Tuolumne.
Monterey.	Yolo.
Napa.	Yuba.

Regional field offices and facilities in the area continue to serve as in the past. Submissions to, and contacts with such field elements remain the same, except that functions and services previously performed by the Airport District Office, San Francisco (Burlingame), the Installation and Materiel District Office, San Francisco (Burlingame), and the Systems Maintenance District Office, Oakland (Hayward), Calif., are absorbed by the area office. Requests or submissions previously directed to those district offices should be sent to the area manager. Communications to the area office should be addressed as follows:

Area Manager,
Federal Aviation Agency,
Post Office Box 8144 Airport Station,
San Francisco, Calif, 94128.

The Federal Aviation Agency Organization Statement of March 10, 1965, 30 F.R. 3395, will be amended to reflect this action.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc 65-9477; Filed, Sept 8, 1965; 8:45 a.m.]

AREA OFFICE AT SEATTLE, WASH.

Notice of Opening

Notice is hereby given that on October 3, 1965, the Seattle Area Office, Federal Aviation Agency, Western Region, will be opened.

Establishment of this office is part of the Agency's plan for providing better service to the aviation public by placing the decision-making authority at the lowest practicable level of organization.

The plan calls for establishment of area managers with comprehensive authority in each of 18 area offices in the Agency's five regions in the continental United States. Lines of supervision will

be from the regional director to the area manager, to the area branch chiefs, to the field activities.

The major operating programs with which the public is concerned are represented at the area offices. These programs are: Air Traffic, Flight Standards, Airway Facilities and Airports.

The Seattle Area Office, Federal Aviation Agency, will serve the geographic area consisting of the states of Washington and Oregon. Regional field offices and facilities in the area continue to serve as in the past. Submissions to, and contacts with such field elements remain the same, except that functions and services previously performed by the Airport District Office, the Installation and Materiel District Office and the Systems Maintenance District Office, all of Seattle, Wash., are absorbed by the area office. Requests or submissions previously directed to those district offices should be sent to the area manager. Although the area office is responsible for maintenance functions throughout the area, the Systems Maintenance District Office at Portland, Oregon, will remain open to provide local service. Communications to the area office should be addressed as follows:

Area Manager
Federal Aviation Agency
FAA Building
Boeing Field
Seattle, Wash. 98108

The Federal Aviation Agency Organization Statement of March 10, 1965, 30 F.R. 3395, will be amended to reflect this action.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-9478; Filed, Sept. 8, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15303, 15304; FCC 65M-1143]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Continuing Hearing

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303, File No. BPH-4072; David Zander Pugsley tr/as Sunset Broadcasting Co. (KNDX-FM), Yakima, Wash., Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration the necessity for a change of the hearing date because of conflicts in his own schedule:

It is ordered, This 2d day of September 1965, that the hearing now scheduled for September 15 is continued to October 7, 1965.

Released: September 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-9551; Filed, Sept. 8, 1965; 8:57 a.m.]

[Docket No. 15995; FCC 65M-1141]

KENT-SUSSEX BROADCASTING CO.

Order Continuing Hearing

In re application of H. M. Griffith, Jr. and C. V. Lundstedt, a partnership d/b as The Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR-2885; for renewal of license of Station WKSB, Milford, Del.

The Hearing Examiner having under consideration the Broadcast Bureau's request for prehearing conference and extension of hearing date filed on September 1, 1965;

It appearing, that hearings in this proceeding are currently scheduled to commence on September 8, 1965, at 10 a.m., on the Drill Floor, State Armory, North Walnut Street, Milford, Del.; and

It further appearing, that owing to other commitments and personal obligations both the Broadcast Bureau and the partners in the applicant request a slight continuance of the hearing date and that the Hearing Examiner's own schedule will permit commencement of hearing on September 13; and

It further appearing, that in view of the consent of the parties and the imminence of the new scheduled date immediate action on the request is required:

It is ordered, This 2d day of September 1965, that the Broadcast Bureau's request is granted; that the date of September 8 is converted from a hearing date to a further prehearing conference to be held at 10 a.m. in the Commission's offices, Washington, D.C.; and that the hearing will commence on September 13, 1965, at 10 a.m., in Milford, Del., at the location hereinabove designated.

Released: September 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-9552; Filed, Sept. 8, 1965; 8:58 a.m.]

[Docket Nos. 15981, 15982; FCC 65M-1144]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Order Continuing Hearing

In re applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64, for a construction permit to modify the facilities of station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

The Hearing Examiner having under consideration a joint motion for continuance filed by the above-captioned applicants on September 1, 1965, requesting that the present hearing schedule be continued without date pending action upon other pleadings filed on September 1, 1965, in this proceeding;

It appearing, that the applicants herein have signed an agreement pursuant to which American Radio-Telephone Service, Inc. has acquired a 60-percent interest in Radio Phone Communications, Inc.; and

It further appearing, that simultaneously with the filing of the instant joint motion for continuance American Radio-Telephone Service, Inc., has filed a petition requesting dismissal of its application and Radio Phone Communications, Inc., has filed a petition for leave to amend its application to reflect the change in ownership and for other relief; and

It further appearing, that counsel for the Common Carrier Bureau does not oppose the motion for continuance and consents to its immediate consideration; and a good cause has been shown for grant of the requested motion:

It is, therefore, ordered, This 2d day of September 1965, that the joint motion for continuance be, and the same is hereby granted to the extent that the present schedule of hearing dates in this proceeding is continued to dates to be fixed by subsequent order entered within 10 days after initial disposition of both of the aforesaid currently pending petitions filed September 1, 1965.

Released: September 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-9553; Filed, Sept. 8, 1965; 8:58 a.m.]

[Docket No. 14368 etc.; FCC 65M-1140]

SYRACUSE TELEVISION, INC., ET AL.

Order Continuing Hearing

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio and Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration: (1) Letter dated August 31, 1965, from counsel for applicant W. R. G. Baker Radio and Television Corp., requesting (a) that the deadline for furnishing certain information to the other parties be extended to October 1; (b) that the deadline for exchanging exhibits under issue Nos. 2 and 3 be extended from September 13 to October 1; and (c) that the hearing presently scheduled for October 4 (on issues 2 and 3) be rescheduled to October 18; and also consenting to the rescheduling of the hearing on issue No. 1 from November 15 to November 29, 1965; and (2) the Hearing Examiner's Order After

Prehearing Conference, released July 12, 1965 (FCC 65M–909), which established the procedural ground rules and fixed certain dates;

It appearing, that the relief requested is not unreasonable in view of the apparent present inability of the moving party to comply with requests made during the prehearing conference in this proceeding for the production of information its principals have supplied the Attorney General of the State of New York without his prior consent,[1] which consent cannot be obtained until some time after September 9, 1965; that the moving party has made a good faith effort to obtain the authorization of the Attorney General of the State of New York on the production of the necessary information; and that the other parties to this proceeding, including the Commission's Broadcast Bureau, have consented to the requested extensions, the other applicants involved pointing out, however, that they would need 2 weeks additional for preparation in the event the information is supplied by October 1 to meet their responsibilities in connection with the phase of the hearing presently scheduled for November 15 under issue No. 1; and that the moving party has, for its part, consented to rescheduling of the hearing under issue No. 1 to commence November 29: [2]

It is ordered, This 2d day of September 1965, that the letter requests of applicant Baker are hereby granted; that Baker is requested to supply the information desired by the other parties by no later than October 1, 1965; that the exhibits to be exchanged under issue Nos. 2 and 3 shall be exchanged, with a copy of each to the Hearing Examiner, by no later than October 1, 1965; that the hearing under issue Nos. 2 and 3 is rescheduled and shall commence at 10 a.m., Monday, October 18, 1965, at the Commission's offices, Washington, D.C.; and that the hearing on issue No. 1 is also rescheduled to commence at the same time and place, on Monday, November 29, 1965; and

It is ordered further, On the Hearing Examiner's own motion, that the other parties will inform applicant Baker's counsel by not later than 1 week prior to the rescheduled date of the witnesses desired for cross-examination at the October 18 phase of the hearing; that the other parties (including the Commission's Broadcast Bureau) will provide applicant Baker with the names of all witnesses and the subject matter of the testimony of each such witness, under issue 1, by October 29, 1965.

[1] It appears that Article 22, section 343 of the General Business Law of the State of New York makes it a criminal offense, punishable by fine or imprisonment, or both, for such information to be disclosed except by direction of the State Attorney General.

[2] In the event the authorization of the New York Attorney General cannot be obtained, or further delay may eventuate in Baker's effort to obtain his consent, Baker is directed to move for a further prehearing conference before the Examiner not later than a week prior to October 1. The Examiner presently contemplates that the hearing will commence on October 18 notwithstanding any obstacles, but believes that it might be fruitful to consider alternatives.

Released: September 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–9554; Filed, Sept. 8, 1965; 8:58 a.m.]

[Docket No. 16128; FCC 65M–1137]

ULTRONIC SYSTEMS CORP. AND WESTERN UNION TELEGRAPH CO.

Order Continuing Prehearing Conference

Ultronic Systems Corp., complainant, v. The Western Union Telegraph Co., defendant; Docket No. 16128.

Upon the informal request of counsel for Ultronic Systems Corp. and counsel's statement that all other parties have consented thereto:

It is ordered, This 2d day of September 1965, that the prehearing conference now scheduled for September 17, 1965, is continued to September 30, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: September 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–9555; Filed, Sept. 8, 1965; 8:58 a.m.]

[Docket Nos. 15868, 15869; FCC 65M–1142]

WFLI, INC. (WFLI), AND NEWHOUSE BROADCASTING CORP. (WAPI)

Order Continuing Hearing

In re applications of WFLI, Inc. (WFLI), Lookout Mountain, Tenn., Docket No. 15868, File No. BMP–8439; Newhouse Broadcasting Corp. (WAPI), Birmingham, Ala., Docket No. 15869, File No. BP–15259; for construction permits.

The Hearing Examiner having under consideration the necessity for a change of the hearing date because of conflicts in his own schedule:

It is ordered, This 2d day of September 1965, that the hearing now scheduled for September 14 is continued to September 24, 1965.

Released: September 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–9556; Filed, Sept. 8, 1965; 8:58 a.m.]

FEDERAL MARITIME COMMISSION

AUSTRALIA, NEW ZEALAND, AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of modification of conference agreement filed for approval by:

Mr. J. R. Harper, Secretary, Australia, New Zealand, and South Sea Islands Pacific Coast Conference, Room 330, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement 7580–5 among the member lines of the Australia, New Zealand, and South Sea Islands Pacific Coast Conference modifies the self-policing system of the basic conference agreement to bring the same into full conformity with the Commission's General Order No. 7.

Dated: September 3, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–9537; Filed, Sept. 8, 1965; 8:54 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814):

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. A. Cole, Chairman, Japan-Atlantic and Gulf Freight Conference, Kindai Building, 11, 3-Chome Kyobashi, Chuo-ku, Tokyo, Japan.

Agreement 3103–30 between the members of the Japan-Atlantic and Gulf Freight Conference modifies the basic agreement of that conference (Agreement 3103, as amended) to limit the amount of compensation payable to freight forwarders to an amount fixed by resolution of the conference, for such services as freight computation and preparation of copies of bills of lading.

Dated: September 3, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to Secretary.

[F.R. Doc. 65–9538; Filed, Sept. 8, 1965; 8:54 a.m.]

SEA-LAND SERVICE, INC., AND JACKSONVILLE PORT AUTHORITY

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.

Agreement No. T–1757–1 between the Jacksonville Port Authority (Port) and Sea-Land Service, Inc. (Sea-Land) modifies the basic agreement which provides for the 25-year lease to Sea-Land of two parcels of land, including a wharf, bulk-head and marshalling area, plus building improvements and a special crane project. The purpose of the modification is to provide for expansion of the leased area and for the construction of certain additional facilities, and to amend the financing and rental provisions therefor.

Dated: September 3, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–9539; Filed, Sept. 8, 1965; 8:55 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Building, 11, 3-Chome Kyobashi, Chuo-ku, Tokyo, Japan.

Agreement 150–33 between the members of the Trans-Pacific Freight Conference of Japan modifies the basic agreement of that conference (Agreement 150, as amended) to limit the amount of compensation which members may pay to freight forwarders to an amount fixed by resolution of the conference, for such services as freight computation and preparation of copies of bills of lading.

Dated: September 3, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to Secretary.

[F.R. Doc. 65–9540; Filed, Sept. 8, 1965; 8:55 a.m.]

[Independent Ocean Freight Forwarder License 573]

EXPORT PACKING & CRATING CO., INC.

Order To Show Cause

On August 19, 1965, the New Hampshire Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 1245), by Export Packing & Crating Co., Inc., First Avenue and 51st Street, Brooklyn, N.Y., 11232, would be cancelled effective September 20, 1965.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 1245) and § 510.5(f) of General Order 4 (46 CFR 510.5(f)) provide that no license shall remain in force unless such forwarder shall have furnished a bond,

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 1245) provides that licenses may, after notice and hearing, be suspended or revoked for wilful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That Export Packing & Crating Co., Inc. on or before September 14, 1965, either (1) submit a valid bond effective on or before September 20, 1965, or (2) show cause in writing or request a hearing to be held at 10 a.m. on September 16, 1965, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation, forthwith revoke License No. 573, if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–9541; Filed, Sept. 8, 1965; 8:55 a.m.]

STRAITS/NEW YORK CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to reinstate a contract rate system and to modify the form of an exclusive patronage contract filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood Barron Wright & White, 26 Broadway, New York, N.Y., 10004.

There has been filed on behalf of the Straits/New York Conference (Agreement No. 6010) a request for permission to reinstate the conference dual rate system, which was terminated on July 4, 1964. The conference also desires to make certain language changes in the

form of its dual rate contract as approved under Docket No. 1052 in the Dual Rate Cases decision.

Dated: September 3, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-9542; Filed, Sept. 8, 1965; 8:55 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN AND JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify exclusive patronage (dual rate) contracts filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood Barron Wright & White, 26 Broadway, New York, N.Y., 10004.

There has been filed on behalf of the Japan-Atlantic & Gulf Freight Conference (Agreement No. 3103) and the Trans-Pacific Conference of Japan (Agreement No. 150) a petition for permission to make language changes in the form of dual rate contract approved for use by these conferences under the Commission's Order served October 30, 1964, Docket Nos. 1078 and 1080.

To date the conferences have not instituted their authorized dual rate systems, and they contend that the requested language changes are necessary to render the contract form adequate to restore and maintain stability in their respective trades from Japan to North America.

Dated: September 3, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-9543; Filed, Sept. 8, 1965; 8:55 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 814]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 3, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 207), filed August 27, 1965. Applicant: RISS & COMPANY, INC., Temple Building, 903 Grand Avenue, Kansas City, Mo., 64106. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), serving the plantsite of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Omaha, Nebr., over U.S. Highways 71, 275, and 375. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 217 (Sub-No. 8), filed August 23, 1965. Applicant: POINT TRANSFER, INC., 174 Sandy Creek Road, Verona, Pa., 15147. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving or roofing materials*, between Medina, Ohio, on the one hand, and, on the other, points in that part of New York on and west of U.S. Highway 15 and points in that part of Pennsylvania bounded by a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 220, thence west along U.S. Highway 220 to junction U.S. Highway 22, thence west along U.S. Highway 22 to junction U.S. Highway 422, thence west along U.S. Highway 422 to the Pennsylvania-Ohio State line. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 1827 (Sub-No. 48), filed August 23, 1965. Applicant: K. W. McKEE, INCORPORATED, 2811 Highway 55, St. Paul, Minn. Applicant's representative: Robert Elliott, Jr., W-1462 First National Bank Building, St. Paul 1, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks* and *parts*, and *attachments* therefor when moving in the same vehicle therewith, in secondary movements, in driveaway service, from Fargo, N. Dak., to points in North Dakota, South Dakota, and Wyoming, and *damaged, defective and returned automobiles, and trucks*, on return, limited to a transportation service to be performed under a continuing contract or contracts with Ford Motor Co. of Dearborn, Mich. NOTE: If a hearing is deemed necesary, applicant requests it be held at Minneapolis, Minn.

No. MC 3252 (Sub-No. 34), filed August 23, 1965. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation fuel*, in bulk in tank vehicles, from Boston, Mass., to Errol, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 3252 (Sub-No. 35), filed August 23, 1965. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass.,

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Adams, Mass., to points in Maine (except those in Aroostook County). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 8989 (Sub-No. 206), filed August 25, 1965. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich., 48904. Applicant's representative: Albert F. Beasley, 1019 Investment Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* and *chassis*, in initial movements, in truckaway and in driveaway service and *bodies, cabs*, and *parts of and accessories for such vehicles*, when moving in connection therewith, from Hayward, Calif., to points in the United States (including Alaska but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10115 (Sub-No. 9), filed August 27, 1965. Applicant: C. D. ZIMMERMAN, INC., Rural Delivery No. 2, Mifflintown, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Post Office Box 46, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* and *supplies* used in the installation of refractory products, when transported in mixed shipments with refractory products previously authorized, from Mount Union, Pa., to points in Delaware, Maryland, Ohio, Virginia, West Virginia, the District of Columbia, points in New York (except those in that part of New York east of the Hudson River and south of U.S. Highway 202 and those in Long Island west of New York Highway 112, including New York, N.Y.), and points in New Jersey (except those in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 14702 (Sub-No. 12), filed August 27, 1965. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving*, and *roofing materials*, between Medina, Ohio, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence west along Alternate U.S. Highway 20 to junction New York Highway 36, thence south along New York Highway 36 to junction New York Highway 408, thence south along New York Highway 408 to junction New York Highway 16, thence south along New York Highway 16 to the New York-Pennsylvania State line. NOTE: If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 30844 (Sub-No. 188) (Amendment), filed July 2, 1965, published FEDERAL REGISTER issue of July 29, 1965, amended August 27, 1965 and republished as amended this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Braddock, Lake City, and Saltsburg, Pa., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: The purpose of this republication is to add Saltsburg, Pa., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 31389 (Sub-No. 74), filed August 24, 1965. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, Winston-Salem, N.C. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving those points in Kentucky within 5 miles of Uniontown, Ky., and those points in Indiana within an area bounded by a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 62 to Mount Vernon, Ind., thence along the Ohio River to the Wabash River and thence along the Wabash River to point of beginning, as off-route points in connection with applicant's authorized regular-route operations between Uniontown, Ky., and Mount Vernon, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 597), filed August 23, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Adams, Mass., to points in Maine (except those in Aroostook County and Rumford). NOTE: If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

No. MC 38383 (Sub-No. 17), filed August 26, 1965. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1115 South State Street, Girard, Ohio. Applicant's representative: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Indiana and Illinois, on the one hand, and, on the other, (a) Pittsburgh, Pa., and points within 50 miles thereof, (b) Youngstown, Ohio, and points within 50 miles thereof, (c) Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown, and Portsmouth, Ohio, (d) Buffalo, N.Y., (e) points in Lackawanna and Hamburg Townships of Erie County, N.Y., (f) Monroe, Detroit, and Gibralter, Mich., (g) points in Sterling Township of Macomb County, Mich., (h) points in Romulus Township of Wayne County, Mich., and (i) points in Kentucky and West Virginia within five (5) miles of the Ohio River. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 41116 (Sub-No. 24), filed August 23, 1965. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 603, Crowley, La. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, packaged, preserved, and prepared foodstuffs (not frozen)*, between points in Alabama, Arkansas, Louisiana, Mississippi, and Texas. NOTE: Applicant states the proposed service to be performed under a continuing contract with Fraering Brokerage Co., Inc., of New Orleans, La. It is further noted that applicant has common carrier authority under MC 123993 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 41951 (Sub-No. 4), filed August 23, 1965. Applicant: WHEATLEY TRUCKING, INC., Cambridge, Md. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods, and except in bulk, in tank vehicles), from Cambridge, Md., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, North Carolina, and those points in Virginia on and east of U.S. Highway 1. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44913 (Sub-No. 7), filed August 26, 1965. Applicant: E. ROSCOE WILLEY, Cambridge, Md. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md., 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and except in bulk, in tank vehicles), from Cambridge, Md., to Greensboro, Raleigh, and Wilmington, N.C., Washington, D.C., points in that part of New York on and south of New York Highway 7, points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along an unnumbered highway (formerly portion U.S. Highway 111) through Shrewsbury and Jacobus, Pa., to junction U.S. Highway 111, thence along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New

York State line and points in Virginia on and east of U.S. Highway 1. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51312 (Sub-No. 9), filed August 25, 1965. Applicant: BOWLING GREEN TRANSFER, INC., 530 South Maple Street, Bowling Green, Ohio. Applicant's representative: Earl J. Thomas, Post Office Drawer 70, 5844–5866 North High Street, Worthington, Ohio, 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies* (other than dump) and *parts thereof* moving in connection therewith, in initial movements, by truckaway method, from Bowling Green, Ohio, to points in Indiana, Illinois, Wisconsin, Kentucky, West Virginia, Michigan, Pennsylvania, New Jersey, New York, and Ohio; (2) *parts and materials* used in the manufacture of truck bodies (other than dump), from points in the above specified destination States, to Bowling Green, Ohio; and (3) *truck bodies* (other than dumptruck bodies, truck bodies designed for the transportation of dry cement, in bulk), and *repair or replacement parts thereof*, from Bowling Green, Ohio, to points in Colorado, Florida, Georgia, Iowa, Kansas, Nebraska, North Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52458 (Sub-No. 203), filed August 30, 1965. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9 at Green Street, Woodbridge, N.J., 07095. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank or hopper type vehicles, from the plantsite of Allied Chemical Corp., at or near Solvay, N.Y., to the plantsite of American Agricultural Chemical Co., at or near Carteret, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52657 (Sub-No. 640), filed August 30, 1965. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill., 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bodies, hoists, lift gates, and containers*, except containers having a capacity of 5 gallons or less or having a capacity of 9 cubic feet or less from points in Buck Township, Hardin County, Ohio, to points in the United States including Alaska and Hawaii; (B) *trailers, trailer chassis*, except trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in Buck Township, Hardin County, Ohio, to points in the United States including Alaska and Hawaii; and (C) *materials, supplies and parts* used in the manufacture, assembly and servicing of the commodities described in paragraphs A and B above when moving in mixed loads with any of such commodities, from points in Buck Township, Hardin County, Ohio, to points in the United States including Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52953 (Sub-No. 31) (Amendment) filed July 28, 1965, published in FEDERAL REGISTER issue of August 19, 1965, amended August 31, 1965, and republished as amended this issue. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Florence, Ala., and junction U.S. Highways 72 and 64 near South Pittsburg, Tenn.; (a) from Florence over U.S. Highway 72 to junction U.S. Highway 64 near South Pittsburg, Tenn., and return over the same route, serving all intermediate points and serving those off-route points within 10 miles of Huntsville, Decatur and Scottsboro, Ala.; and (b) from Florence over U.S. Highway 72 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction U.S. Highway 64 near South Pittsburg, Tenn., and return over the same route, serving all intermediate points and serving those off-route points within 10 miles of Huntsville, Decatur, and Scottsboro, Ala. NOTE: The purpose of this republication is to add the off-route points specified above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 58923 (Sub-No. 34), filed August 18, 1965. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, Ga., 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Savannah, Ga., and New Orleans, La., from Savannah over U.S. Highway 17 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, and return over the same route; (2) between Savannah, Ga., and Memphis, Tenn., from Savannah over U.S. Highway 80 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction U.S. Highway 78, thence over U.S. Highway 78 to Memphis, and return over the same route; (3) between Knoxville, Tenn., and New Orleans, La., over U.S. Highway 11; (4) between Dalton, Ga., and Memphis, Tenn., from Dalton over U.S. Highway 41 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction U.S. Highway 72A, thence over U.S. Highway 72 and 72A to Memphis, and return over the same route; (5) between Savannah, Ga., and New Orleans, La., from Savannah over U.S. Highway 80 to junction U.S. Highway 61.

Thence over U.S. Highway 61 to New Orleans, and return over the same route; (6) between Chattanooga, Tenn., and Moss Point, Miss., from Chattanooga over U.S. Highway 27 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 90, thence over U.S. Highway 90 to junction Mississippi Highway 63, thence over Mississippi Highway 63 to Moss Point, and return over the same route; (7) between Adel, Ga., and Memphis, Tenn., from Adel over Georgia Highway 37 to junction Georgia Highway 133, thence over Georgia Highway 133 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Georgia Highway 55, thence over Georgia Highway 55 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction U.S. Highway 431, thence over U.S. Highway 431 to junction U.S. Highway 72, thence over U.S. Highway 72 to Memphis, and return over the same route; (8) between Atlanta, Ga., and Vicksburg, Miss., from Atlanta over U.S. Highway 78 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 61, thence over U.S. Highway 61 to Vicksburg, and return over the same route, serving the off-route point of Greeneville, Miss.; (9) between Mobile, Ala., and Corinth, Miss., over U.S. Highway 45; (10) between Florence, Ala., and New Orleans, La., from Florence over U.S. Highway 72 to junction Mississippi Highway 25.

Thence over Mississippi Highway 25 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 45W, thence over U.S. Highway 45W to junction Mississippi Highway 8, thence over Mississippi Highway 8 to junction U.S. Highway 51, thence over U.S. Highway 51 to New Orleans, and return over the same route; (11) between Dothan, Ala., and Washington, Miss., from Dothan over U.S. Highway 84 to junction Alabama Highway 12, thence over Alabama Highway 12 to junction U.S. Highway 84, thence over U.S. Highway 84 to Washington, Miss., and return over the same route; (12) between Brunswick, Ga., and Memphis, Tenn.; from Brunswick over U.S. Highway 84 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Georgia Highway 62, thence over Georgia Highway 62 to Georgia-Alabama State line, thence over Alabama Highway 52 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction U.S. Highway 49, thence over U.S. Highway 49 to junction U.S. Highway 49W, thence over U.S. Highway 49 and 49W to junction U.S. Highway 61 (also over U.S.

Highway 82 to junction U.S. Highway 61), thence over U.S. Highway 61 to Memphis, and return over the same route, (13) between Brunswick, Ga., and Memphis, Tenn.; from Brunswick over U.S. Highway 341 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 51, thence over U.S. Highway 51 to Memphis and return over the same route, (14) between Brunswick, Ga., and Corinth, Miss.; from Brunswick over U.S. Highway 17 to junction U.S. Highway 82.

Thence over U.S. Highway 82 to junction U.S. Highway 25, thence over U.S. Highway 25 to junction Georgia Highway 23, thence over Georgia Highway 23 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 72A, thence over U.S. Highway 72A to junction U.S. Highway 72, thence over U.S. Highway 72 to Corinth, and return over the same route, (15) between Atlanta, Ga., and Clarksdale, Miss.; from Atlanta over U.S. Highway 278 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Mississippi Highway 6, thence over Mississippi Highway 6 to Clarksdale, Miss., and return over the same route, (16) between Moultrie, Ga., and Clarksdale, Miss.; from Moultrie over Georgia Highway 37 to the Georgia-Alabama State line, thence over Alabama Highway 10 to junction Alabama Highway 28, thence over Alabama Highway 28 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Mississippi Highway 19, thence over Mississippi Highway 19 to junction Mississippi Highway 12, thence over Mississippi Highway 12 to junction U.S. Highway 49E, thence over U.S. Highway 49E to junction U.S. Highway 49, thence over U.S. Highway 49 to Clarksdale and return over the same route, (17) between Knoxville, Tenn., and Pascagoula, Miss.; from Knoxville over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Alabama Highway 5.

Thence over Alabama Highway 5 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction U.S. Highway 90, thence over U.S. Highway 90 to Pascagoula and return over the same route, (18) between Valdosta, Ga., and Columbus, Miss.; (a) from Valdosta over U.S. Highway 84 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Alabama Highway 14, thence over Alabama Highway 14 to Alabama-Mississippi State line, thence over Mississippi Highway 69 to Columbus, and return over the same route, (b) from Valdosta over U.S. Highway 84 to junction Georgia Highway 33, thence over Georgia Highway 33 to junction Georgia Highway 133, thence over Georgia Highway 133 to junction U.S. Highway 82, thence over U.S. Highway 82 to Columbus and return over the same route, (19) between Barnesville, Ga., and Woodville, Miss.; from Barnesville over Georgia Highway 18 to junction Georgia Highway 109, thence over Georgia Highway 109 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Alabama Highway 14, thence over Alabama Highway 14 to junction Alabama Highway 22, thence over Alabama Highway 22 to junction Alabama Highway 5, thence over Alabama 5 to junction U.S. Highway 43, thence over U.S. Highway 43 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Mississippi Highway 57, thence over Mississippi Highway 57 to junction U.S. Highway 98, thence over U.S. Highway 98 to junction Mississippi Highway 24.

Thence over Mississippi Highway 24 to Woodville and return over the same route, (20) between Mobile, Ala., and Walnut, Miss.; from Mobile over U.S. Highway 98 to junction U.S. Highway 49, thence over U.S. Highway 49 to junction Mississippi Highway 35, thence over Mississippi Highway 35 to junction Mississippi Highway 12, thence over Mississippi Highway 12 to junction Mississippi Highway 15, thence over Mississippi Highway 15 to Walnut and return over the same route, (21) between Brunswick, Ga., and Baton Rouge, La.; from Brunswick over U.S. Highway 341 to junction Georgia Highway 32, thence over Georgia Highway 32 to junction U.S. Highway 319, thence over U.S. Highway 319 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Georgia Highway 62, thence over Georgia Highway 62 to Georgia-Alabama State line, thence over Alabama Highway 52 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Mississippi Highway 63, thence over Mississippi Highway 63 to junction Mississippi Highway 26, thence over Mississippi Highway 26 to Mississippi-Louisiana State line, thence over Louisiana Highway 21 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and return over the same route, (22) between Athens, Tenn., and Meridian, Miss.; from Athens over U.S. Highway 11 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction Alabama Highway 79, thence over Alabama Highway 79 to junction Alabama Highway 69, thence over Alabama Highway 69 to junction U.S. Highway 11, thence over U.S. Highway 11 to Meridian, and return over the same route, (23) between Cartersville, Ga., and New Orleans, La.; from Cartersville over U.S. Highway 41 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans and return over the same route, (24) between Florence, Ala., and Pascagoula, Miss.; from Florence, Ala., over U.S. Highway 43 to junction U.S. Highway 90, thence over U.S. Highway 90 to Pascagoula, Miss., and return over the same route. NOTE: Applicant states it will serve all intermediate points on the above specified routes (1–24). If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Miss.

No. MC 61264 (Sub-No. 20), filed August 23, 1965. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C., 27102. Applicant's representative: Keith Y. Sharpe, Post Office Box 615, Winston-Salem, N.C., 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, pulpboard, plywood, and materials and supplies used in the manufacture* of paper, pulpboard, and plywood between Plymouth, N.C., on the one hand, and, on the other points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island, and the District of Columbia, (2) *plywood and materials and supplies used in the manufacture* of plywood between Jacksonville, N.C., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61403 (Sub-No. 138), filed August 25, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, vegetable oils, vegetable oil products, naval stores, and naval store products*, in bulk, in tank vehicles, from Hattiesburg, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 61788 (Sub-No. 23), filed August 23, 1965. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, a corporation, 110 Speigner Street, Dothan, Ala. Applicant's representative: W. G. Hardwick, Lena and Adams Streets, Dothan, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cedar Springs, Ga., and points within a ten (10) mile radius thereof, as off-route points in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dothan, Ala.

No. MC 65812 (Sub-No. 8), filed August 25, 1965. Applicant: BUCKLEY MOTOR EXPRESS, INC., Corner Broad and High Streets, Carthage, N.Y. Applicant's representative: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, live-

stock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in Erie County, N.Y., on the one hand, and, on the other, points in Jefferson and Lewis Counties, N.Y., (2) from points in St. Lawrence County, N.Y., to points in Erie County, N.Y., and (3) from points in Erie County, N.Y., to points in Clinton and Franklin Counties, N.Y. NOTE: Applicant states that if this application is approved, it intends to tack the authority sought herein with that presently held by it in Certificate No. MC 65812 wherein it is authorized to serve points in New York, Pennsylvania, New Jersey, Massachusetts, New Hampshire, and Vermont. Applicant further states no duplicative authority is sought and if this application is approved, its application in MC 65817 (Sub-No. 7) which is directly related to MC-F-8937, presently pending and not finally determined, will be withdrawn. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 74361 (Sub-No. 5), filed August 26, 1965. Applicant: BOB MENDENHALL, doing business as FORT SMITH-SALLISAW TRANSFER, 1211 South 9th Street, Fort Smith, Ark. Applicant's representative: A. Bob Jordan, % Jim Jones, 204 North Elm Street, Sallisaw, Okla., 74955. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Checotah, Okla., to Prague, Okla.; from Checotah over U.S. Highway 266 to Henryetta, Okla., thence over U.S. Highway 62 to Prague, and return over the same route, (2) between Eufaula, Okla., and junction U.S. Highways 62 and 75 west of Henryetta, Okla.; from Eufaula over Oklahoma Highway 9 to Wetumka, Okla., thence over U.S. Highway 75 to junction U.S. Highway 62, and return over the same route, (3) from Sallisaw, Okla., over U.S. Highway 59 to Robert S. Kerr lock and dam, and return over the same route, and (4) from Gore, Okla., to Webbers Falls lock and dam; from Gore over Oklahoma Highway 10 to junction Federal Project Access Road, and thence over Federal Project Access Road to Webbers Falls lock and dam, and return over the same route, serving all intermediate points in (1) through (4) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 76436 (Sub-No. 26), filed August 18, 1965. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading, and commodities which require special equipment), between Hopkinsville, Ky., and the plantsite of the Princeton Co. at or near Princeton, Ky.; from Hopkinsville over U.S. Highway 68 to Cadiz, Ky., thence over Kentucky Highway 139 to junction Kentucky Highway 126, thence over Kentucky Highway 126 to junction Kentucky Highway 128, and thence over Kentucky Highway 128 to the site of the Princeton Co. plant, and return over the same route, serving all intermediate points located on U.S. Highway 68. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 80428 (Sub-No. 51), filed August 23, 1965. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's representative: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, dry feed ingredients*, and *dry feed additives*, from Huron, Ohio, to points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., Allegany and Garrett Counties, Md., and points in Pennsylvania on and west of U.S. Highway 15, and *returned, refused and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 83539 (Sub-No. 156), filed August 20, 1965. Applicant: C&H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Corona, Calif., Libby, Mont., and points in Idaho, Oregon, Washington, and that part of California on and north of a line beginning at Santa Cruz, Calif., and extending along California Highway 17 to junction unnumbered highway (formerly California Highway 17), thence along unnumbered highway through Milpitas, Calif., to junction California Highway 21, thence along California Highway 21 to Dublin, Calif., thence along U.S. Highway 50 to junction unnumbered highway (formerly U.S. Highway 50), thence along unnumbered highway through Livermore, Calif., to junction U.S. Highway 50, thence along U.S. Highway 50 to junction unnumbered highway (formerly U.S. Highway 50), thence along unnumbered highway through Folsom, Calif., to junction U.S. Highway 50, thence along U.S. Highway 50 to junction unnumbered highway (formerly U.S. Highway 50), thence along unnumbered highway through Camino, Calif., to junction U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line, to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 84420 (Sub-No. 7), filed August 25, 1965. Applicant: L. & F. GRANITE HAULING CO., INC., 42 Maywood Avenue, Hamburg, N.Y. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite, granite monuments, marble and marble monuments*, in truckload shipments only, from points in Rutland and Washington Counties, Vt., to points in that part of New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to junction U.S. Highway 11 at Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line and *returned shipments*, on return; and (2) *abrasives*, from Niagara Falls, Tonawanda, and the town of Hamburg, N.Y., to points in Caledonia, Orange, Rutland, and Washington Counties, Vt., and *returned shipments*, on return. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 95540 (Sub-No. 649), filed August 23, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, (1) from points in Pulaski County, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) from Paris, Tenn., to points in Connecticut, Kentucky, Michigan, North Dakota, and Rhode Island. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 650), filed August 30, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Worthington and Mankato, Minn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states no duplicating authority is requested. If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 103051 (Sub-No. 194), filed August 23, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's representative: R. J. Reyn-

olds, Jr., Suite 403–411, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petoleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Appling, Bacon, Baker, Calhoun, Coffee, Dougherty, Jeff Davis, Lee, Mitchell, Terrell, Pierce, Ware, and Worth Counties, Ga., to points in Alabama (except points in Alabama within 125 miles of Albany, Ga.), Florida, Georgia, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 317), filed August 27, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum*, in bulk, from points in Chatham County, Ga., to points in South Carolina and points in New Hanover County, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103654 (Sub-No. 94), filed August 27, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* including, but not limited to, anhydrous ammonia, nitrogen fertilizer solutions, and aqua ammonia, from the plant facilities of the Tuloma Gas Products Co., located at or near Burlington, Iowa to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, or Kansas City, Mo.

No. MC 105463 (Sub-No. 4), filed August 23, 1965. Applicant: C. E. HORNBACK, INC., Tama, Iowa. Applicant's representative: Homer E. Bradshaw, Fifth Floor, Central National Building, Des Moines, Iowa, 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Papermill rolls, paper products, boxboard, scrap paper, wooden egg cases, nails, excelsior, lining paper, papermill machinery* and *machine parts thereof*, and *commodities used in the manufacture of paper products*, from Tama, Iowa, to points in Kansas and the Chicago, Ill., commercial zone; and (2) *commodities used in the manufacture of paper products*, from points in Kansas and the Chicago, Ill., commercial zone, to Tama, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106674 (Sub-No. 20), filed August 19, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276 and *damaged and rejected shipments*, between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Chicago, Ill.

No. MC 107295 (Sub-No. 76), filed August 23, 1965. Applicant: PRE-FAB TRANSIT COMPANY, a corporation, Post Office Box 146, Farmer City, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts thereof*, and *equipment and materials* incidental to the erection and completion of such buildings traveling on their own or removable undercarriages, equipped with hitchball coupler, between points in Calibama, Florida, and Georgia, on the one hand, and, on the other points in California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sarasota, Fla.

No. MC 107295 (Sub-No. 77), filed August 23, 1965. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down or in sections and when transported in connection with the transportation of such buildings, *component parts thereof* and *equipment and materials* incidental to the erection and completion of such buildings traveling on their own or removable undercarriages, equipped with hatchball coupler, between points in Louisiana, Mississippi, and Texas, on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Alaska. NOTE: If a hearing is deemed necessary, applicant be held at Dallas, Tex.

No. MC 107295 (Sub-No. 78), filed August 23, 1965. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts thereof* and *equipment and materials incidental* to the erection and completion of such buildings traveling on their own or removable undercarriages, equipped with hitchball coupler, between points in North Carolina, Virginia, and South Carolina, on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107496 (Sub-No. 399), filed August 23, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from points in St. Bernard, St. James, Orleans, Plaquemines, Jefferson, Lafourche, Terrebonne, St. Charles, St. John Baptist, Ascension, Livingston, Tangipahoa, Washington, St. Tammany, and Assumption Parishes, La., to Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107496 (Sub-No. 400), filed August 23, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from South Bend, Ind., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107500 (Sub-No. 93), filed August 25, 1965. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Kearney, Nebr., and junction U.S. Highways 385 and 26N (3 miles southwest of Angora, Nebr.); from Kearney over Interstate Highway 80 to Brady, Nebr., thence over U.S. Highway 30 to junction Nebraska Highway 61, thence over Nebraska Highway 61 to junction U.S. Highway 26, thence over U.S. Highway 26 to junction U.S. Highway 385, and thence over U.S. Highway 385 to junction U.S. Highway 26N (3 miles southwest of Angora, Nebr.), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. NOTE: Applicant is a wholly owned subsidiary of The Chicago,

Burlington, and Quincy Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 523), filed August 23, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in George, Hinds, Rankin, Copiah, and Greene Counties, Miss., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, and Washington, D.C. NOTE: Applicant states it presently holds authority on frozen foods and meat, meat products, and meat byproducts on a substantial portion of the territory involved and no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 108119 (Sub-No. 9), filed August 23, 1965. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul 13, Minn. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor and electric carts*, such as are used on golf courses or for messenger and light delivery work, between points in Minnesota, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108884 (Sub-No. 11), filed August 23, 1965. Applicant: ROGERS AND KASPER, INC., Route 46, Great Meadows, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, restricted against the transportation of individual shipments exceeding 5,000 pounds in weight, from New York, N.Y., Jersey City and Kearny, N.J., to points in Lycoming and Northumberland Counties, Pa., and *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109397 (Sub-No. 127), filed August 26, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's representative: Max G. Morgan, 443 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear material, byproduct material, related experiment equipment, and other associated materials*, between (1) the National Reactor Testing Station, located near Arco, Idaho, (2) Oak Ridge National Laboratory located in Anderson and Roane Counties, Tenn., and points in Rice County, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109637 (Sub-No. 285), filed August 20, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between St. Louis, Mo., Wood River, Ill., Louisville, Ky., Madison, Ind., and East Liverpool, Ohio, on the one hand, and, on the other, St. Louis, Mo., Wood River, Ill., Louisville, Ky., Madison, Ind., and East Liverpool, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Chicago, Ill., or Washington, D.C.

No. MC 110193 (Sub-No. 107), filed August 23, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from Perry, Iowa, to points in Illinois and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 108), filed August 23, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 West Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 109), filed August 26, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind., 46613. Applicant's representative: Walter Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Salina, Kans., to points in Maine, New Hampshire, Vermont, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Ohio, Maryland, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 110364 (Sub-No. 6), filed August 24, 1965. Applicant: OHIO CARRIER CORPORATION, 250 2d Street SE., New Philadelphia, Ohio. Applicant's representative: Robert N. Krier, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial machinery, fans*, exhaust or ventilating, and *parts* thereof, *electric wiring, plugs, receptacles*, and *cord sets* (except such of those commodities as, due to size or weight, require the use of special equipment), between New Philadelphia, Ohio, on the one hand, and, on the other, points in Ohio, Pennsylvania (except those in Venango County), West Virginia, Kentucky, Indiana, and Illinois. NOTE: Applicant states it proposes to conduct operations under the applied for authority under a continuing contract with Joy Manufacturing Co. Applicant states it presently holds authority under Permit No. MC 110364 to transport mining machinery, mining equipment materials, supplies, and repair parts therefor, except such of those commodities as, due to size or weight require the use of special equipment, under continuing contract for the same shipper and between the same points for which authority is sought in this application. Applicant proposes in this application only to add to the list of commodities presently authorized to be transported for the same shipper. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110420 (Sub-No. 477), filed August 23, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, including but not limited to anhydrous ammonia, nitrogen fertilizer solutions, and aqua ammonia*, in bulk, from the plantsite of Tuloma Gas Products facility located at or near Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 478), filed August 23, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, including, but not limited to anhydrous ammonia, nitrogen fertilizer solutions, and aqua ammonia*, in bulk, from the plantsite of Tuloma Gas Products facility located between East Peoria and North Pekin, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 479), filed August 23, 1965. Applicant: QUALITY

CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic fluid*, in bulk, from St. Louis, Mo., to points in California, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 741), filed August 23, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, tall oil and products and blends thereof*, in bulk, in tank vehicles, from Columbia Park, Ohio, to points in Michigan, and *rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 110988 (Sub-No. 147), filed August 23, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients, including, but not limited to anhydrous ammonia, nitrogen fertilizer solutions* and *aqua ammonia*, in bulk, (1) from the plantsite of Tuloma Gas Products Co., facility located between East Peoria and North Pekin, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plantsite of Tuloma Gas Products Co., facility located at or near Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111231 (Sub-No. 83), filed August 23, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, from points in Indiana and Ohio, to Webb City, Mo., and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 111231 (Sub-No. 84), filed August 23, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, from Kansas City, Mo., to points in Illinois (except points in the Chicago, Ill., commercial zone), Greenville, Iowa, points in Minnesota, Oklahoma, Texas, Mississippi, Alabama, Michigan, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Wisconsin, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111231 (Sub-No. 86), filed August 23, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, or preserved foodstuffs*, from points in Arkansas, Tyler, and Lindale, Tex., that part of Texas bounded by a line beginning at the Texas-Louisiana State line and extending on and north of U.S. Highway 80 to Fort Worth, Tex., thence on and east of Interstate Highway 35W to the Texas-Oklahoma State line and points in that part of Louisiana on and north of U.S. Highway 80, to points in Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 111729 (Sub-No. 113), filed August 24, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, labels, envelopes*, and *packaging materials*, and *advertising literature* moving therewith, between Alexandria, Va., and York, Pa., and (2) *microfilm*, negative and positive, and *paper prints*, between Baltimore, Md., on the one hand, and, on the other, points in Philadelphia County, Pa., and Washington, D.C. NOTE: Applicant states the proposed operations herein will be subject to the following restriction: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is authorized to operate as a contract carrier under MC 112750 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111936 (Sub-No. 10), filed August 25, 1965. Applicant: MURROW'S TRANSFER, INCORPORATED, 708 West Fairfield Road, Post Office Box 4095, High Point, N.C., 27263. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Raleigh and Smithfield, N.C., to points in Alabama, the District of Columbia, Florida, Georgia, Kentucky, South Carolina, Tennessee, Virginia, Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 112148 (Sub-No. 36), filed August 26, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., restricted to traffic originating at such facilities, to points in Iowa, Minnesota, Michigan, New York, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Omaha, Nebr., or Washington, D.C.

No. MC 112223 (Sub-No. 73), filed August 23, 1965. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coke*, in bulk, from points in Hennepin, Ramsey, and Dakota Counties, Minn., to points in Iowa south of U.S. Highway 20, points in North Dakota west of North Dakota Highway 1, and points in South Dakota west of U.S. Highway 281. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112304 (Sub-No. 11), filed August 23, 1965. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 601 Orient Avenue, Cincinnati, Ohio. Applicant's representative: James M. Burtch, Columbus Center, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guardrail* and *component parts*, (1) from Evansville, Ind., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Flordia, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Illinois, Wisconsin, Louisiana, Arkansas, Missouri, Iowa, Minnesota, and the District of Columbia, and (2) from Flint, Mich., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Illinois, Wisconsin, Louisiana, Arkansas, Missouri, Iowa, Minnesota, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112801 (Sub-No. 29), filed August 26, 1965. Applicant: TRANSPORT

SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, vegetable oil shortenings, and blends* thereof from Chicago, Ill., to points in Connecticut, Delaware, Kentucky, Massachusetts, New Jersey, New York, Pennsylvania, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 30), filed August 26, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients*, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 31), filed August 26, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, and fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, (1) from the plantsite of the Tuloma Gas Products Co., located within ten (10) miles of Peoria, between Peoria and North Pekin, Ill., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plantsite of the Tuloma Gas Products Co., located near Burlington, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113158 (Sub-No. 6), filed August 18, 1965. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business* (except liquid commodities in bulk), between the warehouses and other facilities of Acme Markets, Inc., in Philadelphia, Pa., on the one hand, and, on the other, points in New York (except New York, N.Y., and points in Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 113325 (Sub-No. 59), filed August 20, 1965. Applicant: SLAY TRANSPORTATION COMPANY, INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia*, in bulk, in tank vehicles, and *fertilizer* and *fertilizer ingredients*, (1) from the plantsite of the Tuloma Gas Products Co. located at Peoria, Ill., to points in Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and (2) from the plantsite of the Tuloma Gas Products Co. located at Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 60), filed August 26, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's representative: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and blends and products thereof*, in bulk, from Granite City, Ill., to points in Maine, Vermont, New Hampshire, Georgia, Massachusetts, Rhode Island, Connecticut, Florida, West Virginia, Maryland, Delaware, Virginia, North Carolina, South Carolina, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113362 (Sub-No. 86), filed August 24, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denison, Iowa Falls, and points within ten (10) miles of Iowa Falls, Iowa, to points in New Hampshire, Maine, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 113514 (Sub-No. 92), filed August 25, 1965. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas, Tex. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* having a prior or subsequent movement by rail, water, or pipeline, between points in Texas, Louisiana, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 113678 (Sub-No. 166), filed August 20, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant did not request any particular area.

No. MC 113678 (Sub-No. 167), filed August 23, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Colorado, Iowa, Kansas, Nebraska, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant did not request any particular area.

No. MC 113678 (Sub-No. 168), filed August 26, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Kansas, Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 113678 (Sub-No. 169), filed August 26, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving*, and *roofing materials*, from Wilmington, Ill., to points in Colorado, Montana, Nebraska, and Wyoming. NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 113908 (Sub-No. 174), filed August 26, 1965. Applicant: ERICKSON

TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in Illinois and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114019 (Sub-No. 143), filed August 20, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, from St. Louis, Mo., to points in Iowa, Kansas, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114019 (Sub-No. 144), filed August 24, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa to points in Illinois, Kansas, Missouri, Minnesota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114019 (Sub-No. 145), filed August 24, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Perry, Iowa, to points in Illinois, Indiana, Wisconsin, Nebraska, Michigan, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114115 (Sub-No. 14), filed August 23, 1965. Applicant: TRUCKWAY SERVICE, INC., 1099 South Oakwood Boulevard, Detroit, Mich. Applicant's representative: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 114211 (Sub-No. 85), filed August 23, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Black Hawk County, Iowa. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *(1) Tractors (not including tractors with vehicle beds, bed frames or fifth wheels)*, *(2) agricultural machinery and implements*, *(3) industrial and construction machinery and equipment*, *(4) equipment designed for use in conjunction with tractors*, *(5) trailers designed for the transportation of the commodities described above (other than those designed to be drawn by passenger automobiles)*, *(6) attachments for the commodities described above*, *(7) internal combustion engines, and (8) parts of the commodities described in (1) thru (7) above* when moving in mixed loads with such commodities, (a) from the plant and warehouse sites and experimental farms of Deere & Co. located in Black Hawk and Dubuque Counties, Iowa, to points in the United States (except points in Alaska and Hawaii), and (b) from the plant and warehouse sites and experimental farms of Deere & Co. located in Rock Island County, Ill., Polk and Wapello Counties, Iowa, and Dodge County, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states the proposed service to be restricted to traffic originating at the plant and warehouse sites and experimental farms named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114274 (Sub-No. 6) (Amendment), filed July 12, 1965, published FEDERAL REGISTER issue of August 4, 1965, amended August 25, 1965 and republished as amended this issue. Applicant: ELMER VITALIS, doing business as VITALIS TRUCK LINES, 1656 East Grand Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles) from Perry, Iowa, to points in Ohio, Illinois, Indiana, Michigan, Minnesota, and Wisconsin. NOTE: The purpose of this republication is to add Ohio as a destination State. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 115311 (Sub-No. 50), filed August 26, 1965. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 589, Americus, Ga. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk in tank vehicles), from points in Assumption, Lafourche, St. Bernard, St. John the Baptist, and Terrebonne Parishes, La., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115331 (Sub-No. 147), filed August 23, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the Cordova Industrial Park, located in Rock Island County, Ill., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 79), filed August 20, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Wisconsin, Minnesota, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Kansas, and Nebraska. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115826 (Sub-No. 80), filed August 23, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from Butte, Mont., to points in Oregon, Washington, Nebraska, Iowa, Kansas, Minnesota, Missouri, Wisconsin, Illinois, New York, Massachusetts, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 115841 (Sub-No. 248), filed August 18, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same

vehicle at the same time with canned goods, from Lindale, Tex., to points in Florida and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 116073 (Sub-No. 31), filed August 19, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Allen Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections traveling on their own or with removable undercarriages equipped with hitchball coupler, from points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, and Alaska, to points in the United States, including points in Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116073 (Sub-No. 32), filed August 19, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Allen Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections traveling on their own or with hitchball coupler, between points in Iowa, on the one hand, and, on the other, points in the United States, including points in Alaska (but excluding points in Hawaii). NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116073 (Sub-No. 35) filed August 19, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Allen Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* complete or in sections traveling on their own or with removable undercarriages equipped with hitchball coupler, between points in Arizona, on the one hand, and, on the other, points in the United States, including points in Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116073 (Sub-No. 36), filed August 19, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Allen Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* complete or in sections traveling on their own or with removal undercarriages equipped with hitchball coupler, between points in Nebraska, on the one hand, and, on the other, points in the United States, including points in Alaska (but excluding points in Hawaii). NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 116073 (Sub-No. 43), filed August 19, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. Applicant's representatives: Donald E. Cross, Munsey Building, Washington, D.C., and Allen Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings complete or in sections* traveling on their own or removable undercarriages equipped with hitchball coupler, between points in Oklahoma on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 116110 (Sub-No. 8), filed August 23, 1965. Applicant: P. C. WHITE TRUCK LINE, INC., Speigner Street, Dothan, Ala. Applicant's representative: W. G. Hardwick, corner Lena and Adams Streets, Dothan, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points within a radius of ten (10) miles of Cedar Springs, Ga., as off-route points in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dothan, Ala.

No. MC 116763 (Sub-No. 60), filed August 20, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building supplies and building materials*, from points in Illinois, Indiana, Ohio, and Michigan, to points in Georgia and Florida, (2) *sewer pipe and related items*, from points in Indiana and Owensboro, Ky., to points in Florida, and (3) *clay*, from points in Georgia and South Carolina, to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 243), filed August 26, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's respresentative: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Gooding, Idaho, and points within five (5) miles thereof, to points in Utah, Nevada, Arizona, California, Oregon, Washington, Texas, Colorado, Iowa, Illinois, Pennsylvania, New Jersey, New York, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117201 (Sub-No. 7), filed August 23, 1965. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango Street SW., Tacoma, Wash., 98499. Applicant's representative: George R. LaBissoniere, 333 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and insulating materials*, from Santa Clara, Calif., to points in Washington west of the Cascade Mountain Range, restricted to traffic moving in truckload lots. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117803 (Sub-No. 7), filed August 27, 1965. Applicant: LABERTEW TRUCKING, INC., 5110 Race Street, Denver, Colo. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117815 (Sub-No. 61), filed August 20, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorating or preservative materials, supplies and equipment, paint, painting materials, supplies and equipment, engine coolant, lubricating oil in containers, cleaning compounds, glue and advertising materials*, from Chicago Heights, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 117883 (Sub-No. 54) (Amendment), filed August 16, 1965, published FEDERAL REGISTER issue of September 1, 1965, amended and republished, this issue. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressings, salad oils*, and *table sauces*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., and points within one (1) mile thereof, to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted against the transportation of the commodities specified above in liquid form, in tank vehicles. NOTE: The purpose of this amendment is (1) to add salad oils to the commodity description, (2) to add "in vehicles equipped with mechanical refrigeration", and (3) to add the restriction. If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 118130 (Sub-No. 35), filed August 26, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Fort Worth, Tex., and Clovis, N. Mex., to points in Montana, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118130 (Sub-No. 36), filed August 26, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products,* and *articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Worth, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119164 (Sub-No. 19) (Amendment) filed May 18, 1965, published in FEDERAL REGISTER issue of June 9, 1965, amended August 24, 1965, and republished as amended this issue. Applicant: J-E-M TRANSPORTATION CO., INC., 509 Liberty Street, Syracuse, N.Y., 13204. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank or hopper type vehicles, from New York Central System rail terminals in Ohio, to (1) points in Ohio; (2) points in Erie, Crawford, Mercer, Warren, Forest, Clarion, Armstrong, Butler, Venango, Lawrence, Beaver, Allegheny, Washington, Greene, Westmoreland, and Fayette Counties, Pa.; (3) points in Marshall, Ohio, Brooke, Hancock, Mason, Jackson, Wood, Pleasants, Tyler, Wetzel, Wirt, Clay, Mingo, Ritchie, Putnam, Cabill, Wayne, Lincoln, Kanawha, Boone, Roane, Calhoun, Gilmer, Doddridge, and Logan Counties, W. Va.; (4) points in Pike, Floyd, Martin, Magoffin, Johnson, Lawrence, Boyd, Greenup, Grant, Carter, Elliott, Morgan, Wolfe, Lewis, Rowan, Minifee, Powell, Gallatin, Woodford, Jefferson, Trimble, Anderson, Shelby, Carroll, Mason, Robertson, Fleming, Bath, Montgomery, Clark, Bourbon, Nicholas, Owen, Spencer, Oldham, Bracken, Fayette, Scott, Harrison, Pendleton, Campbell, Kenton, Boone, Franklin, Bullitt, and Henry Counties, Ky.; and (5) points in Monroe, Lenawee, Hillsdale, Branch, Calhoun, Jackson, Washtenow, Wayne, Macomb, Oakland, Livingston, Ingham, and Eaton Counties, Mich., restricted to shipments having a prior movement by rail moving in interstate or foreign commerce. NOTE: The purpose of this republication is to more clearly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119384 (Sub-No. 8) (Amendment), filed July 6, 1965, published FEDERAL REGISTER issue July 29, 1965, amended August 25, 1965, and republished as amended this issue. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, Ohio, and Wisconsin, and those points in Indiana within the Chicago, Ill., commercial zone, as defined by the Commission. NOTE: The purpose of this republication is to add Ohio as a destination State to those shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119702 (Sub-No. 19), filed August 25, 1965. Applicant: STAHLY CARTAGE CO., a corporation, Post Office Box 481, Edwardsville, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, between points in Illinois, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held in St. Louis, Mo.

No. MC 119774 (Sub-No. 4), filed August 26, 1965. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment, materials, machinery, and supplies, commodities*, the transportation of which, because of size, weight, or other physical characteristics, require the use of special equipment, rigging, or handling, *together with parts and attachments* thereto when moving in connection therewith, and *commodities* weighing over 15,000 pounds and not requiring special equipment for loading, unloading or transportation (excluding oilfield and pipeline commodities as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), between points in Texas on and east of Texas Highway 19 from the Texas-Oklahoma State line to Palestine, Tex., and on and north of U.S. Highway 84 from Palestine to the Texas-Louisiana State line and those points in Louisiana on and north of U.S. Highway 84, on the one hand, and, on the other, points in Arizona, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Tennessee, Illinois, Wyoming, Montana, Utah, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, South Carolina, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 119777 (Sub-No. 42), filed August 25, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those requiring special equipment), between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119778 (Sub-No. 88) (Amendment), filed May 3, 1965, published FEDERAL REGISTER issue of May 19, 1965, amended August 16, 1965 and republished as amended this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala., 35221. Applicant's representative: James A. Harkins (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, having a prior or subsequent movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 119778 (Sub-No. 94), filed August 23, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala., 35211. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Attatulgus, Ga., to points in Illinois, New Jersey, Ohio, Kentucky, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120543 (Sub-No. 30), filed August 31, 1965. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301 North, Dade City, Fla. Applicant's representative: Lawrence D. Fay, Post Office Box 1086, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla., or Columbia, S.C.

No. MC 123048 (Sub-No. 71), filed August 23, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery* (except those that require the use of special equipment or special handling), from Owatonna, Minn., to points in Arkansas, Connecticut, Delaware, Florida, Louisiana, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, and Vermont and *rejected shipments*, on return, restricted to shipments originating at Owatonna, Minn.; and (2) *self-propelled loaders* (except those that require the use of special equipment or special handling), from Owatonna, Minn., to points in the United States (except Alaska and Hawaii), and *rejected shipments*, on return, restricted to shipments originating at Owatonna, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Minneapolis, Minn.

No. MC 123393 (Sub-No. 76), filed August 23, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from California, Mo., to points in North Carolina, South Carolina, Georgia, Alabama, and Florida and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Louis, or Jefferson City, Mo.

No. MC 123393 (Sub-No. 77), filed August 23, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sterling, Colo., and points within five (5) miles, thereof, to points in Colorado, Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123479 (Sub-No. 5), filed August 23, 1965. Applicant: ROY FRANK DANCE, doing business as DANCE'S TRUCK LINE, Post Office Box 237, Arcadia, La. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from points in Lincoln, Jackson, and Winn Parishes, La., to points in Texas, points in Shelby County, Tenn., points in that part of Arkansas on and south of U.S. Highway 70, and points in that part of Mississippi on and south of U.S. Highway 73. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124078 (Sub-No. 155), filed August 23, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products (including but not restricted to corn grits, cornmeal, and corn flour)*, in bulk, in tank or hopper-type vehicles, from Milwaukee, Wis., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124170 (Sub-No. 8), filed August 20, 1965. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124211 (Sub-No. 50), filed August 16, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Petroleum products*, in containers, *food products and canned goods* (1) from Chicago, Ill., to Grand Island, Nebr., (a) from Chicago, Ill., over Interstate Highway 90 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Illinois Highway 56, thence over Illinois Highway 56 to junction U.S. Highway 30, thence over U.S. Highway 30 to Grand Island, Nebr., (b) from Chicago as specified in (a) to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, at or near Missouri Valley, Iowa, thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to Grand Island, Nebr., and (c) from Chicago over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Iowa Highway 90, thence over Iowa Highway 90 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 30.

Thence over U.S. Highway 30 to Grand Island, Nebr., and (2) from Chicago, Ill., to Grand Island, Nebr., (a) from Chicago over Interstate Highway 90 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Illinois Highway 56, thence over Illinois Highway 56 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, Nebr., (b) from Chicago as specified in (2) (a) to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, Nebr., (c) from Chicago over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Iowa Highway 90, thence over Iowa Highway 90 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., and (d) from Chicago over U.S. Highway 34 to Grand Island, Nebr. NOTE: Applicant states it will serve no intermediate points in (1) (a) thru (c) above, and the intermediate point of Lincoln, Nebr., in (2) (a) thru (d) above. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 51), filed August 16, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Petroleum products*, in containers, *food products* and *canned goods*, (A) from Kansas City, Mo., to Grand Island, Nebr.; (1) from Kansas City over Interstate Highway 35 to junction Interstate Highway 70, thence over Interstate Highway 70 (and U.S. Highway 40) to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 24, at or near Leonardville, Kans., thence over U.S. Highway 24 to junction Kansas Highway 181, thence over Kansas Highway 181 to junction

U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, serving the intermediate point of Topeka, Kans., (2) from Kansas City over U.S. Highway 24 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, (3) from Kansas City over Interstate Highway 29 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, (4) from Kansas City over Interstate Highway 29 to junction U. S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, (5) from Kansas City over U.S. Highway 24 to junction U.S. Highway 75.

Thence over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, (6) from Kansas City over Interstate Highway 29 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to Grand Island, serving no intermediate points, but serving Topeka, Kans., as an off-route point, in (2) through (6) above, and (B) from Kansas City, Mo., to Grand Island, Nebr., (1) from Kansas City over Interstate Highway 29 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, (2) from Kansas City over Interstate Highway 29 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, (3) from Kansas City over Interstate Highway 29 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, (4) from Kansas City over U.S. Highways 24 and 40 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, (5) from Kansas City over U.S. Highway 24 to junction U.S. Highway 75.

Thence over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Kansas Highway 63, thence over Kansas Highway 63 to junction Nebraska Highway 50 at the Kansas-Nebraska State line, thence over Nebraska Highway 50 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, serving the intermediate point of Lincoln, Nebr., and the off-route point of Topeka, Kans., in (1) thru (5) above, (6) from Kansas City over Interstate Highway 35 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, serving Topeka, Kans. and Lincoln, Nebr., as intermediate points, and (7) from Kansas City over interstate Highway 29 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to junction U.S. Highway 34, thence over U.S. Highway 34 to Grand Island, serving Lincoln, Nebr., as an intermediate point and Topeka, Kans., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124211 (Sub-No. 52), filed August 16, 1965. Applicant: HILT TRUCK LINE, INC., 3751 Sumner Street, Post Office Box 824, Lincoln, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hides and junk metal*, from Hastings, Nebr., to Chicago, Ill., (1) from Hastings over U.S. Highway 281 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 6, at or near Omaha, Nebr., thence over U.S. Highway 6 to junction Iowa Highway 90, thence over Iowa Highway 90 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., (2) from Hastings over U.S. Highway 281 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., (3) from Hastings over U.S. Highway 281 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., (4) from Hastings over U.S. Highway 6 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 6, at or near Omaha, Nebr., thence over U.S. Highway 6 to junction Iowa Highway 90, thence over Iowa Highway 90 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., (5) from Hastings over U.S. Highway 6 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55, to Chicago, Ill., (6) from Hastings over U.S. Highway 6 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and (7) from Hastings over U.S. Highway 6 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., serving no intermediate points in (1) through (7) inclusive. NOTE: Applicant presently transports the abovenamed commodities from Hastings, Nebr., to Chicago, Ill., over irregular routes and the purpose of this application is to change this operation from irregular to regular routes. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124576 (Sub-No. 4), filed August 25, 1965. Applicant: WILLIAMS TRANSPORTATION, INC., Post Office Box 182, Belle Fourche, S. Dak. Applicant's representative: Val M. Higgins, One Thousand First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, fire brick, glazed tile, flue liners, and pallets*, (1) between Belle Fourche, S. Dak., on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, and Wyoming, (2) between Denver, Colo., on the one hand, and, on the other, points in South Dakota, and (3) between Hebron, N. Dak., and points in South Dakota, Nebraska, and Wyoming. NOTE: Applicant states the proposed service to be on behalf of the account of Black Hills Clay Products, Inc., of Belle Fourche, S. Dak. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124669 (Sub-No. 12), filed August 23, 1965. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, including but not limited to anhydrous ammonia, nitrogen fertilizer solutions, and aqua ammonia, in bulk, from the plantsite of Tuloma Gas Products facility at Burlington, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 124774 (Sub-No. 26), filed August 25, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Adams County, Nebr., to points in Colorado, South Dakota, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Illinois, Indiana, Michigan, Kentucky and Ohio, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125626 (Sub-No. 3), filed August 20, 1965. Applicant: WILLIAMS TRUCKING, INC., Box 363, Lisbon, Ohio. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Building materials* (except stone, fly ash, clay, refractory products and bulk commodities in dump trucks), between Alliance, Ohio, on the one hand, and, on the other, points in New York, Maryland, Kentucky, and West Virginia (except points in Hancock, Brooke, Ohio, and Marshall Counties). NOTE: Applicant states that the above-proposed operation will be under a continuing contract with Wood Conversion Co., Alliance, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125770 (Sub-No. 4), filed August 18, 1965. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, N.J. Applicant's representative: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, enamel, lacquer*, and *varnish*, in containers, from Irvington, N.J., to Portsmouth, N.H., Newport, R.I., Hingham, Mass., Franconia, Norfolk, and Portsmouth, Va., Atlanta, Savannah, East Point, Albany, Fort Gordon, and Fort Benning, Ga., Fort Bragg, Camp Lejeune and Cherry Point, N.C., Fort Jackson and Charleston, S.C., Bynum, Ala., Shelby, Ohio, Chicago, Ill., Kansas City, Mo., Fort Worth, Tex., Denver, Colo., Albuquerque and Holloman Air Force Base, N. Mex., Clearfield, Utah, Philadelphia, Pa., Bell, Stockton, Oakland, Barstown, and Fort Ord, Calif., and Auburn, Wash., and *refused and rejected shipments*, on return, restricted to a transportation service to be performed under a continuing contract or contracts with Atlas Paint & Varnish Co., Irvington, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125777 (Sub-No. 79), filed August 24, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer*, in dump vehicles, from Detroit, Mich., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 126745 (Sub-No. 9), filed August 26, 1965. Applicant: SOUTHERN COURIERS INC., 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film* and *prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (excluding theater and television exhibition), between Westwego, La., on the one hand, and, on the other, Jackson, Laurel, Meridian, and Hattiesburg, Miss., and (2) *business papers, records and audit and accounting media* (excluding plant removals), between Birmingham, Ala., on the one hand, and, on the other, points in Georgia. Restriction: The operations applied for herein are subject to the following restriction: No service shall be performed under the authority granted herein for any bank or banking institution; namely, any national bank, State Bank, Federal Reserve bank, savings and loan association, or savings bank. NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit No. MC 123304 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 127235 (Sub-No. 6), filed July 29, 1965. Applicant: GLENN E. SCHNEIDER, doing business as SCHNEIDER TRANSIT, 216 Teddy Avenue, Hartford, Wis. Applicant's representative: Donald B. Taylor, Box 5068, Minneapolis, Minn., 55406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Woodland, Wis., to points in Illinois on and north of U.S. Highway 30, points within the Chicago, Ill., commercial zone, as defined by the Commission and Dubuque, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127240 (Sub-No. 1), filed August 25, 1965. Applicant: JOHNNIE STRINGER MOVING & STORAGE, a corporation, Highway 13 North, Columbia, Miss. Applicant's representative: Sebe Dale, Jr., 309 Church Street, Newsom Building, Columbia, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between Biloxi, Miss., and Columbia, Miss., and (2) between points in Marion, Jefferson Davis, Walthall, Lamar, Lawrence, Covington, and Pike Counties, Miss., restricted, however to the handling of traffic having a prior or subsequent out-of-State movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127251 (Sub-No. 2), filed August 25, 1965. Applicant: C. T. MONTGOMERY, Post Office Box 241, Sunflower, Miss. Applicant's representative: Harold D. Miller, Jr., Suite 700, Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed clay and agricultural insecticides*, except in bulk, from points in Alabama to the plantsite of American Cyanamid Co. near Indianola, Miss.; and (2) *agricultural insecticides*, except in bulk, from points in Tennessee on and west of U.S. Highway 127 to the plantsite of American Cyanamid Co. near Indianola, Miss. NOTE: Applicant states that the proposed service will be under a continuing contract with American Cyanamid Co. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127253 (Sub-No. 18), filed August 26, 1965. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, synthetic, liquid and dry, in bulk, from points in Angelina County, Tex., to points in Alabama, Arkansas, Georgia, Tennessee (except Kingsport), Florida, Louisiana, Mississippi, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 127332 (Sub-No. 1), filed August 19, 1965. Applicant: TRI-STATE HAULING, INC., Highway 90, Post Office Box 373, Theodore, Ala. Applicant's representative: L. A. Parish, 61 St. Joseph Street, Post Office Box 231, Mobile, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and maintenance aggregates and materials;* namely, ballast, rock or stone; chert, cinders, clay, clay gravel, cobblestones, dirt, gravel, jetty stone, limestone, crushed, broken, ground, sludge; riprap stone, rock, sandstone, sand, shells, clams, oyster, mussel or coquina; slag, stone, marble or granite, broken, crushed, ground; stone, natural asphalt, and *paving mixes;* namely, one or more of the above aggregates to which has been added oil, tar, lime or asphalt, between points in Mobile, Baldwin, Escambia, Covington, Geneva, and Houston Counties, Ala., on the one hand, and, on the other, points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Jackson Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 127416 (Amendment), filed July 8, 1965, published in FEDERAL REGISTER issue of July 29, 1965, amended August 30, 1965, and republished as amended this issue. Applicant: RUSSELL TRANSPORT LIMITED, 246 Graburn Avenue, Oshawa, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks* and *buses*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial and secondary movements, in driveway and truckway service and *parts and accessories thereof*, moving at the same time and with the vehicles of which they are a part and on which they are to be installed, (1) between the port of entry located on the international boundary line between the United States and Canada located on the St. Clair River at or near Port Huron, Mich., and Port Huron, Mich., (2) between the port of entry located on the international boundary line between the United States and Canada located on the Detroit River at or near Detroit, Mich., and Detroit, Mich.; (3) between the ports of entry located on the international boundary line between the United States and Canada located on the Niagara River, and Buffalo, Niagara Falls, and Lewiston, N.Y.; and (4) between the ports of entry located on the international boundary line between the United States and Canada located on the St. Lawrence

River, and Massena, Ogdensburg, and Watertown, N.Y. NOTE: Applicant states that the above proposed operation will be restricted to traffic originating at or destined to points in Canada and interlined with connecting carriers in the United States. The purpose of this republication is to broaden the territorial description and to add certain restrictions. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 127441 (Amendment), filed July 16, 1965, published FEDERAL REGISTER issue August 4, 1965, amended August 25, 1965, and republished as amended this issue. Applicant: LAWRENCE CARRIERS, LTD., 1555 Grand Concourse, New York 52, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (a) between points in Nassau, Suffolk, Westchester, Putnam, Duchess, Orange, and Rockland Counties, N.Y., and New York, N.Y.; Fairfield, New Haven, Hartford, and Litchfield Counties, Conn., and Philadelphia, Delaware, Montgomery, and Bucks Counties, Pa., and (b) from the above-mentioned counties to points in New Jersey north of and including Burlington and Camden Counties, N.J. NOTE: The purpose of this republication is to add New York, N.Y., to the territorial description in (a) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127492, filed August 9, 1965. Applicant: JOHN P. GROCE, doing business as CITY DELIVERY & ERRANDS SERVICE, 2302 Laurens Road, Greenville, S.C. Applicant's representative: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics*, from Greenville, S.C., to points in Abbeville, Aiken, Anderson, Cherokee, Chester, Chesterfield, Edgefield, Greenville, Greenwood, Lancaster, Laurens, McCormick, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York Counties, S.C. NOTE: Applicant states the above proposed operations will be under a continuing contract with Avon Products, Inc. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 127515, filed August 16, 1965. Applicant: JOHN W. SHEARER, JR., Rural Route 1, Brookville, Ohio. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Dayton, Ohio, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and *rejected and returned shipments* of the commodities specified above, on return. NOTE: Applicant states the proposed service to be under continuing contract or contracts with The Sucher Packing Co. of Dayton, Ohio. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 127522, filed August 16, 1965. Applicant: V. J. FINSTER, doing business as FINSTER TRUCKING CO., 376 West 13th Street, Peru, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron castings*, from Peru, Ind., to Sidney, Vandalia, Greenville, Dayton, Troy, Columbus, Bucyrus, Galion, and Kenton, Ohio, Syracuse, N.Y., St. Joe, Mich., Omaha, Nebr., and Joplin, Mo., and (2) *foundry supplies*, from Cincinnati and Galion, Ohio, to Peru, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127526, filed August 20, 1965. Applicant: CECIL N. BUCHOLZ, 201 2d Avenue SW., Watertown, S. Dak. Applicant's representative: Daniel K. Loucks, 17 2d Avenue SW., Watertown, S. Dak., 57201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer* and in connection therewith, *supplies* and *advertising matter*, from Minneapolis and St. Paul, Minn., to Watertown, S. Dak. NOTE: Applicant states that the above proposed operation will be under contract with George L. Kahnke, doing business as Kahnke Watertown Beverage Co., Watertown, S. Dak. If a hearing is deemed necessary, applicant requests it be held at Watertown, S. Dak.

No. MC 127527, filed August 23, 1965. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 State Route 18, Rural Delivery No. 6, Ravenna, Ohio. Applicant's representative: Robert N. Krier, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products, sewer pipe, clay or concrete*, with or without plastic, rubber, mastic, or synthetic joints, *clay wall coping and concrete manholes and cones*, together with *fittings and related articles and materials* used in the installation of such commodities, including, but not limited to, lubricants, plastic bonding materials and adhesives, from the plant of the United States Concrete Pipe Co. located in Palmyra Township, Portage County, Ohio, to points in Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, and *rejected and damaged shipments*, on return; (2) *iron and steel forms and steel reinforcing mesh* used in the making of concrete pipe, manholes and cones (a) from points in Delaware, Michigan, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and District of Columbia, to the plants of the United States Concrete Pipe Co. located in Palmyra Township, Portage County, Ohio, and at or near Oakdale, and Corydon, Pa.; Relay, Md., and Portage, Mich., and (b) between said plants of the United States Concrete Pipe Co., located in Palmyra Township, Portage County, Ohio, and at or near Oakdale, and Corydon, Pa.; Relay, Md., and Portage, Mich. NOTE: Applicant states the above proposed operations will be under a continuing contract with the United States Concrete Pipe Co. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127529 filed August 25, 1965. Applicant: HENRY TRUCKING CO., INC., 210 West Main, Steelville, Ill. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Melrose Park, Ill., to McClure, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 127530 filed August 25, 1965. Applicant: JOHNNY'S SERVICE GARAGE, INC., 953 Lexington Avenue, Clifton, N.J., 07011. Applicant's representative: John M. Zachara, Post Office Box 2860, Paterson, N.J., 07509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor and other highway vehicles designed for general highway transportation, fork lift trucks, car and truck cranes, house trailers* and *replacements thereof*, which are wrecked and disabled, with or without cargo, by wrecker equipment only and dollies where said vehicles are in such condition that the vehicles cannot be towed, and (2) *replacement vehicles* and *equipment* from wrecked or disabled vehicles, by wrecker service only, between points in New Jersey, New York, New Hampshire, Vermont, Maine, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Ohio, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127532, filed August 23, 1965. Applicant: THURMAN FERREE, doing business as FERREE MESSENGER SERVICE, 7222 Jackson Street, Hammond, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged, unpackaged general merchandise, parts, supplies, isotopes, blood plasma, medicines, human remains, business papers, records, currency, checks and other documents in a parcel delivery messenger service*, between Chicago, Ill., on the one hand, and, on the other, points in Lake, La Porte, and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127533, filed August 24, 1965. Applicant: RICHARDSON TRUCKS INCORPORATED, 2136 East Kerney, Springfield, Mo. Applicant's representative: Thomas Skutt, 1022 First National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Corn oil, coconut oil,* and *soybean oil,* in tank vehicles, (1) from Chicago, Ill., to Springfield, Monett, Eldorado Springs, and Lebanon, Mo.; and (2) from Decatur, Ill., to Springfield, Cabool, Monett, Eldorado Springs, and Lebanon, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127534, filed August 24, 1965. Applicant: CHARLTON TRANSPORT LIMITED, Oshawa, Ontario, Canada. Applicant's representative: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Automobiles, trucks,* and *buses,* as defined by the Commission in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, including *parts* and *accessories thereof,* moving at the same time and with the vehicle of which they are a part and on which they are to be installed, via truckaway and driveaway methods, in initial and secondary movements, (1) between the port of entry located on the international boundary line between the United States and Canada located on the St. Clair River at or near Port Huron, Mich., and Port Huron, Mich.; (2) between the port of entry located on the international boundary line between the United States and Canada located on the Detroit River at or near Detroit, Mich., and Detroit, Mich.; (3) between the ports of entry located on the international boundary line between the United States and Canada located on the Niagara River, and Buffalo, Niagara Falls, and Lewiston, N.Y.; and (4) between the ports of entry located on the international boundary line between the United States and Canada located on the St. Lawrence River, and Massena, Ogdensburg, and Watertown, N.Y. NOTE: Applicant states that the above proposed operation will be restricted to traffic originating at or destined to points in Canada and interlined with connecting carriers in the United States. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Detroit, Mich.

No. MC 127535, filed August 25, 1965. Applicant: TROY NEWS COMPANY, INC., Post Office Box 696, Troy, N.Y. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 50602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Magazines,* from Albany and Troy, N.Y., to Amsterdam, Schenectady, Glens Falls, Gloversville, Plattsburg, Rochester, Saranac Lake, Saratoga Springs, Hudson, Kingston, Monticello, Middletown, Newburgh, Poughkeepsie, Syracuse, and Utica, N.Y.; Brattleboro, Burlington, and Rutland, Vt.; and West Lebanon and Keene, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127535 (Sub-No. 1), filed August 25, 1965. Applicant: TROY NEWS COMPANY, INC., Post Office Box 696, Troy, N.Y. Applicant's representative: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Newspapers and newspaper inserts and supplements,* between Albany and Troy, N.Y., on the one hand, and, on the other, Amsterdam, Schenectady, Gloversville, Glens Falls, Plattsburg, Rochester, Saranac Lake, Saratoga Springs, Syracuse, Utica, N.Y., Brattleboro, Burlington, Rutland, Vt., West Lebanon and Keene, N.H. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 109763 (Sub-No. 7), filed August 27, 1965. Applicant: PAUL W. WOLF, doing business as WOLF'S BUS LINE, York Springs, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in round-trip special operations, beginning and ending at points in Cumberland County, Pa. (except Grantham), and at points in Dauphin and Perry Counties, Pa., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 109763 (Sub-No. 8), filed August 27, 1965. Applicant: PAUL W. WOLF, doing business as WOLF's BUS LINE, York Springs, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* restricted to traffic originating in the territory indicated, in charter operations, beginning and ending at points in York, Dauphin, Cumberland, and Perry Counties, Pa., and extending to points in the United States, including points in Alaska, but excluding points in Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 120955 (Sub-No. 2), filed August 9, 1965. Applicant: BERTLY ARONSEN, doing business as ISLAND EMPIRE BUS LINES, 621 Front Street, Mukilteo, Wash., 98275. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express and newspapers,* in the same vehicle with passengers, (1) between Mount Vernon, Wash., and Anacortes, Wash., over Washington Highway 536, serving all intermediate points; (2) between Sedro Wooley, Wash., and Mount Vernon, Wash.; (a) from Sedro Wooley over Washington Highway 9 to junction Washington Highway 538, thence over Washington Highway 538 to Mount Vernon and return over the same route, serving all intermediate points; (b) from Sedro Wooley over Washington Highway 20 (formerly Washington Highway 16) to Burlington, Wash., thence over U.S. Highway 99 to Mount Vernon and return over the same route, serving all intermediate points; (c) from Sedro Wooley over Cook Road to Burlington, Wash., thence over U.S. Highway 99 to Mount Vernon and return over the same route, serving all intermediate points; (3) between Seattle, Wash., and Anacortes, Wash.; from Seattle over U.S. Highway 99 to junction Washington Highway 525, thence over Washington Highway 525 to Mukilteo, Wash., thence by ferry to Whidbey Island and Washington Highway 525 (formerly Washington Highway 1D), thence over Washington Highway 525 to Anacortes, Wash., and return over the same route, serving all intermediate points and serving all off-route points on Whidbey Island; (4) between Seattle, Wash., and East Entrance of Paine Field; from Seattle over Washington Highway 1 to junction Fleming Way, thence over Fleming Way to junction Edmonds Beverly Park Road, thence over Edmonds Beverly Park Road to junction Airport Way South, thence over Airport Way South to East Entrance of Paine Field (also over Airport Way South to Army Housing Project at Southwest corner of Paine Field), and return over the same route, serving all intermediate points; (5) between Mukilteo, Wash., and Everett, Wash., over the Mukilteo-Everett Highway, serving all intermediate points; and (6) between junction Mukilteo-Beverly Park Road and Emander Road, and junction Larson Road and Fleming Way; from junction Mukilteo-Beverly Park Road and Emander Road over Mukilteo-Beverly Park Road to junction Larson Road, thence over Larson Road to Fleming Way and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Coupeville, Wash.

No. MC 123655 (Sub-No. 4), filed August 23, 1965. Applicant: SOUTHERN TIER STAGES, INC., 375 State Street, Binghamton, N.Y., 13901. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in special operations, during the authorized racing season of each year, between Binghamton, N.Y., and Pocono Downs Racetrack located approximately 7 miles south of Scranton, Pa., and 3 miles north of Wilkes-Barre, Pa., on Pennsylvania Highway 315. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12965, filed August 23, 1965. Applicant: MRS. R. V. (ZONA) BOUDREAU, 731½ Hampshire Street, Quincy, Ill., 62301. For a license (BMC 5) to engage in operations as a *broker* at Quincy, Ill., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage,* in charter

operations, between Quincy, Ill., and St. Louis, Mo.

FREIGHT FORWARDER APPLICATION

No. FF-323 H. E. SUTTON—Freight Forwarder Application, filed August 19, 1965. Applicant: H. E. SUTTON (Tex), 244 Greenbriar Road, Lexington, Ky. Authority sought under Part IV of the Interstate Commerce Act as a *freight forwarder* in interstate or foreign commerce, through the use of facilities of common carriers by express, rail, and motor vehicle in the transporation of (1) *livestock and fowl* (other than ordinary) including race horses and racing pigeons, polo ponies, and branding, saddle, and showhorses, and (2) *equipment* for racing stable and branding farm and *supplies* used in the care, exhibition, and raising of livestock and fowl (other than ordinary), *mascots, lead ponies,* and the *personal effects* of the attendants and trainers, in the same vehicle with livestock and fowl (other than ordinary), between Lexington, Ky., and Los Angeles (Arcadia), Calif.

WATER CARRIER APPLICATIONS

WATER CARRIER OF PASSENGERS

No. W-1183 (Sub-No. 3) PADDLE WHEEL EXCURSIONS, INC. Common Carrier Application—filed August 19, 1965. Applicant: PADDLE WHEEL EXCURSIONS, INC., 8341 Cheviot Road, Cincinnati 39, Ohio. Application filed August 19, 1965, for a certificate, covering a new operation under Part III of the Interstate Commerce Act, in seasonal operation April 1st through October 31st inclusive, in the transportation of passengers in Excursion Boat Service for recreational purposes, as follows: points in Ohio—Cincinnati, New Richmond, Ripley, Higginsport, Manchester, Portsmouth, New Boston, and Ironton; points in Kentucky—Louisville, Carrollton, Warsaw, Augusta, Maysville, and Ashland; point in West Virginia—Huntington; and points in Indiana—New Albany, Jeffersonville, Madison, Vevay, Rising Sun, Aurora, and Lawrenceburg.

WATER CARRIER OF PROPERTY

No. W-1219 J. F. SCHNACKY—contract carrier application—filed August 23, 1965. Applicant: J. F. SCHNACKY, doing business as LITTLE MANATEE BARGE CO., 2711 Adamo Drive, Tampa, Fla. Authority sought to operate as a contract carrier in interstate or foreign commerce under Part III of the Interstate Commerce Act, in the transportation of *property generally,* in year-round operation, serving the ports or points of Port Piney and Bradley Junction Terminal, Fla.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 1222 (Sub-No. 23), filed August 23, 1965. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, Ohio. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Refractories,* (a) from Ashland and Taylor, Ky., and Portsmouth, Ohio, to points in Indiana and Ohio (except those on applicant's authorized regular routes, and except those on Ohio Highway 7 between Chesapeake and Belpre, Ohio), and *empty containers and pallets* used in transporting the commodities specified, on return, (b) from Oak Hill, Ohio, to Cambridge City, Ind., and (c) from Hayward, Haldeman, Hitchins, and Olive Hill, Ky., to points in that part of Pennsylvania on and west of U.S. Highway 219, and *empty pallets and skids* used in transporting the commodities on return, and (2) *brick and refractories,* (a) from Ironton and Portsmouth, Ohio, to points in Illinois and the Upper Peninsula of Michigan, and (b) from Ashland, Olive Hill, Hitchins, and Grahn, Ky., and the plantsite of Charles Taylor Sons Co., located near Fullerton, Ky., to points in Illinois and Michigan.

No. MC 29684 (Sub-No. 2), filed March 1, 1965. Applicant: BURGMEYER BROS., INC., Post Office Box 192, Reading, Pa. Applicant's representative: David G. Macdonald, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier,* by motor vehicle over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and commodities requiring special equipment), (1) between Jersey City, N.J., and Wilkes-Barre, Pa.; (a) from Jersey City over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 46 (also from Jersey City over U.S. Highway 1 to junction U.S. Highway 46), thence over U.S. Highway 46 through Dover, N.J., to junction U.S. Highway 611, thence over U.S. Highway 611 through Swift Water, Pa., to Scranton, Pa., thence over U.S. Highway 11 to junction Pennsylvania Highway 315, thence over Pennsylvania Highway 315 to Wilkes-Barre (also from Scranton over Interstate Highway 81 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre) and return over the same route; (b) from Jersey City over U.S. Highway 1 to Newark, N.J. (also over the Pulaski Skyway; and also over the New Jersey Turnpike Extension), thence over New Jersey Highway 10 to junction U.S. Highway 46, also from Newark over New Jersey Highway 24 to Morristown, N.J.

Thence over New Jersey Highway 53 to junction U.S. Highway 46, thence to Wilkes-Barre as described above, and return over the same route; (c) from Jersey City to Dover, N.J., as specified above, thence over New Jersey Highway 15 to Ross Corner, N.J., thence over U.S. Highway 206 to Milford, Pa., thence over U.S. Highway 6 to Scranton (also from junction U.S. Highway 6 and Interstate Highway 84, over Interstate Highway 84 to Scranton), thence to Wilkes-Barre as described above and return over the same route; (d) from Jersey City over New Jersey Highway 7 to junction New Jersey Highway 506, thence over New Jersey Highway 506 to junction New Jersey Highway 10, thence to Wilkes-Barre as described above and return over the same route; (e) from Jersey City to Newark as described above, thence over New Jersey Highway 23 to the New Jersey-New York State line, thence over New York Highway 23 to junction U.S. Highway 6, thence over U.S. Highway 6 through junction Interstate Highway 84, near Port Jervis, N.Y., to Milford, Pa., thence to Wilkes-Barre as described above (also from junction U.S. Highway 6 and Interstate Highway 84, over Interstate Highway 84 to junction Interstate Highway 81, thence to Wilkes-Barre as described above), and return over the same route; (f) from Jersey City to Newark, N.J., as described above, thence over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81S, thence over Interstate Highway 81S to Scranton, Pa., thence to Wilkes-Barre as described above and return over the same route; (g) from Jersey City to junction Interstate Highway 80 and 81S as described above.

Thence over Interstate Highway 80 through junction Pennsylvania Highway 115 near Blakeslee Corners, Pa., to Pocono Interchange (No. 35) of the northeast extension of the Pennsylvania Turnpike, thence over the northeast extension of the Pennsylvania Turnpike to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre (also from junction Interstate Highway 80 and Pennsylvania Highway 115 near Blakeslee Corners over Pennsylvania Highway 115 to Wilkes-Barre) and return over the same route; (h) from Jersey City to Swift Water, Pa., as described above, thence over Pennsylvania Highway 940 to Blakeslee Corners, Pa., thence to Wilkes-Barre as described above and return over the same route; (2) between Jersey City, N.J., and Harrisburg, Pa.; (a) from Jersey City to Newark, N.J., as described above thence over U.S. Highway 22 through Somerville, N.J., and Allentown, Pa., to Harrisburg (also from Newark over Interstate Highway 78 to Harrisburg) and return over the same route; (b) from Jersey City to Newark as described above, thence over U.S. Highway 1 to Philadelphia, Pa. (also from Newark over Interstate Highway 95 to Philadelphia), thence over U.S. Highway 422 to junction U.S. Highway 322, thence over U.S. Highway 322 to Harrisburg and return over the same route; (c) from Jersey City over U.S. Highway 1 to New Brunswick, N.J., thence over U.S. Highway 130 to junction U.S. Highway 30 (also from New Brunswick, over Interstate Highway 95 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 30).

Thence over U.S. Highway 30 to Camden, N.J., thence over U.S. Highway 30 through Philadelphia, Pa., to Lancaster, Pa., thence over Pennsylvania Highway 72 to junction U.S. Highway 230, thence over U.S. Highway 230 to Harrisburg and return over the same route; (3) between Jersey City, N.J., and Lancaster, Pa.; from Jersey City to Allentown, Pa., as described above, thence over U.S. Highway 222 through Reading, Pa., to Lancaster

and return over the same route; (4) between Jersey City, N.J., and Reading, Pa.; from Jersey City to Newark, N.J., as described above, thence over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence to Reading as described above and return over the same route; (5) between Jersey City, N.J., and Paoli, Pa., from Jersey City to Somerville, N.J., as described above, thence over U.S. Highway 202 to Paoli and return over the same route; (6) between Reading, Pa., and Sunbury, Pa., over Pennsylvania Highway 61; (7) between Reading, Pa., and Wilkes-Barre, Pa.; from Reading over Pennsylvania Highway 61 to junction Pennsylvania Highway 895, thence over Pennsylvania Highway 895 to New Ringgold, Pa., thence over Pennsylvania Highway 443 to junction U.S. Highway 309, thence over U.S. Highway 309 to Wilkes-Barre and return over the same route; (8) between Reading, Pa., and Boyertown, Pa., over Pennsylvania Highway 73 (also over Pennsylvania Highway 562); (9) between junction Pennsylvania Highway 100 and U.S. Highway 22 near Fogelsville, Pa., and West Chester, Pa., over Pennsylvania Highway 100; (10) between Pottstown, Pa., and junction Pennsylvania Highway 363 and U.S. Highway 30; from Pottstown over Pennsylvania Highway 724 to Valley Forge, Pa.

Thence over Pennsylvania Highway 363 to junction U.S. Highway 30 and return over the same route; (11) between Valley Forge, Pa.; and Montgomeryville, Pa., from Valley Forge over Pennsylvania Highway 363 to junction Pennsylvania Highway 463, thence over Pennsylvania Highway 463 to Montgomeryville and return over the same route; (12) between Center Valley, Pa., and Stroudsburg, Pa., over Pennsylvania Highway 191; (13) between Easton, Pa., and Blakeslee Corners, Pa., over Pennsylvania Highway 115; (14) between Philadelphia, Pa., and junction U.S. Highway 309 and Pennsylvania Highway 443, over U.S. Highway 309; (15) between West Chester, Pa., and junction Pennsylvania Highways 113 and 100; from West Chester over U.S. Highway 322 to Downingtown, Pa., thence over Pennsylvania Highway 113 to junction Pennsylvania Highway 100 and return over the same route; (16) between Reading, Pa., and Downingtown, Pa.; from Reading over Interstate Highway 176 to junction Pennsylvania Highway 10, thence over Pennsylvania Highway 10 to junction U.S. Highway 322, thence over U.S. Highway 322 to Downingtown and return over the same route; (17) between Lancaster, Pa., and Harrisburg, Pa.; from Lancaster over U.S. Highway 30 to Columbia, Pa.

Thence over Pennsylvania Highway 441 to Harrisburg and return over the same route; (18) between Pottsville, Pa., and Nesquehoning, Pa., over U.S. Highway 209; (19) between Ashland, Pa., and Easton, Pa., over Pennsylvania Highway 45; (20) between Allentown, Pa., and junction Pennsylvania Highways 145 and 45, over Pennsylvania Highway 145; (21) between junction Pennsylvania Highways 145 and 329 near Egypt, Pa., and Bath, Pa., over Pennsylvania Highway 329; (22) between Bethlehem, Pa., and junction Pennsylvania Highway 512 and U.S. Highway 611, over Pennsylvania Highway 512; (23) between Shimerville, Pa., and Allentown, Pa., over Pennsylvania Highway 29; (24) between junction U.S. Highway 22 (Interstate Highway 78) and the northeast extension of the Pennsylvania Turnpike (Lehigh Valley Interchange) and the Wilkes-Barre Interchange, over the northeast extension of the Pennsylvania Turnpike; (25) between Nanticoke, Pa., and Scranton, Pa.; from Nanticoke, over unnumbered highway to Pittston, Pa., thence over U.S. Highway 11 to Scranton and return over the same route; (26) between Jersey City, N.J., and Warwick, N.Y.; from Jersey City to Newark, N.J., as described above, thence over New Jersey Highway 23 to Junction New Jersey Highway 94, thence over New Jersey Highway 94 to the New Jersey-New York State line, thence over New York Highway 94 to Warwick (also from Jersey City over New Jersey Highway 7 to Newark, thence over New Jersey Highway 506 to junction New Jersey Highway 23, thence to Warwick as described above), and return over the same route; (27) between Jersey City, N.J., and Catskill, N.Y.; from Jersey City over U.S. Highway 9 to junction New York Highway 9G, thence over New York Highway 9G to Hudson, N.Y. (also from Jersey City over U.S. Highway 9 to junction New York Highway 23, thence over New York Highway 23 to Hudson, N.Y.).

Thence over New York Highway 23 to Catskill and return over the same route; (b) from Jersey City over U.S. Highway 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W through Newburgh, N.Y., to Catskill and return over the same route; (28) between Jersey City, N.J., and Newburgh, N.Y.; from Jersey City over New Jersey Highway 7 (also over New Jersey Highway 3) to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line (also from Jersey City over U.S. Highway 1 to Newark, N.J., thence over New Jersey Highway 17 to the New Jersey-New York State line), thence over New York Highway 17 to junction New York Highway 32, thence over New York Highway 32 to Newburgh and return over the same route; (29) between Jersey City, N.J., and Hudson, N.Y.; from Jersey City through the Holland Tunnel (also through the Lincoln Tunnel) to New York, N.Y., thence over New York Highway 9A to junction U.S. Highway 9, thence over U.S. Highway 9 to Peekskill, N.Y., thence over New York Highway 9D to junction U.S. Highway 9, thence to Hudson as described above and return over the same route; (30) between Jersey City, N. J., and Tarrytown, N.Y.; from Jersey City to New York, N.Y., as described above, thence over New York Highway 22 to White Plains, N.Y., thence over New York Highway 119 to Tarrytown and return over the same route; (31) between Jersey City, N.J., and Modena, N.Y.; from Jersey City to New York, N.Y., as described above, thence over New York Highway 100 to junction New York Highway 100A.

Thence over New York Highway 100A to junction New York Highway 100, thence over New York Highway 100 to junction New York Highway 141, thence over New York Highway 141 to junction New York Highway 117, thence over New York Highway 117 to Katonah, N.Y., thence over New York Highway 35 to junction New York Highway 22, thence over New York Highway 22 to junction New York Highway 55, thence over New York Highway 55 to Poughkeepsie, N.Y., thence over U.S. Highway 44 to Modena and return over the same route; (32) between Jersey City, N.J., and Port Chester, N.Y.; from Jersey City to New York, N.Y., as described above, thence over U.S. Highway 1 (also over Interstate Highway 95) to Port Chester and return over the same route; (33) between junction Interstate Highways 95 and 287 and Catskill, N.Y.; from junction Interstate Highways 95 and 287 over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to the Catskill Interchange and junction New York Highway 23.

Thence over New York Highway 23 to Catskill and return over the same route; (34) between White Plains, N.Y., and junction New York Highway 125 and U.S. Highway 1 (also junction New York Highway 127 and U.S. Highway 1), over New York Highway 125 (also over New York Highway 127); (35) between Port Jervis, N.Y., and junction U.S. Highway 6 and New York Highway 22, over U.S. Highway 6; (36) between Port Jervis, N.Y., and junction Interstate Highway 84 and New York Highway 22, over Interstate Highway 84; (37) between Port Jervis, N.Y., and Red Hook, N.Y.; from Port Jervis over U.S. Highway 209 to junction New York Highway 199, thence over New York Highway 199 to Red Hook and return over the same route; (38) between Newburgh, N.Y., and Warwick, N.Y.; from Newburgh over New York Highway 207 to Goshen, N.Y., thence over New York Highway 17A through Florida, N.Y., to Warwick and return over the same route; (39) between Newburgh, N.Y., and Florida, N.Y., over New York Highway 94; (40) between Newburgh, N.Y., and Monticello, N.Y.; from Newburgh over New York Highway 17K to junction New York Highway 17.

Thence over New York Highway 17 to Monticello and return over the same route; (41) between Newburgh, N.Y., and Middletown, N.Y., over New York Highway 84; (42) between Bloomingburg, N.Y., and junction New York Highway 17M and U.S. Highway 6, over New York Highway 17M; (43) between New Paltz, N.Y., and Highland Mills, N.Y., over New York Highway 208; (44) between Newburgh, N.Y., and Ellenville, N.Y., over New York Highway 52; (45) between Newburgh, N.Y., and Fishkill, N.Y.; from Newburgh over Interstate Highway 84 to Beacon, N.Y., thence over New York Highway 82 to Fishkill and return over the same route; (46) between Butzville, N.J., and Trenton, N.J., over New Jersey Highway 69; (47) between Phillipsburg, N.J., and Frenchtown, N.J.; from Phillipsburg over Alternate U.S. Highway 22 to junction New Jersey Highway 519, thence over New Jersey Highway 519 to Frenchtown and return over the same

route; (48) between Frenchtown, N.J., and Clinton, N.J., over New Jersey Highway 513; (49) between Frenchtown, N.J., and Trenton, N.J., over New Jersey Highway 29; (50) between Frenchtown, N.J., and junction New Jersey Highways 12 and 69, over New Jersey Highway 12; (51) between Mansfield Square, N.J., and Hamburg, N.J.; from Mansfield Square over U.S. Highway 206 to junction New Jersey Highway 94.

Thence over New Jersey Highway 94 to Hamburg and return over the same route; (52) between junction U.S. Highways 202 and 206 near Bedminster, N.J., and junction U.S. Highway 202 and New Jersey Highway 17, over U.S. Highway 202; (53) between Metuchen, N.J., and junction Interstate Highway 287 and New Jersey Highway 17, over Interstate Highway 287; (54) between junction U.S. Highway 22 and New Jersey Highway 18 and junction New Jersey Highway 18 and U.S. Highway 9, over New Jersey Highway 18; (55) between Newark, N.J., and Princeton, N.J., over New Jersey Highway 27; (56) between Somerville, N.J., and Elizabeth, N.J., over New Jersey Highway 28; (57) between Phillipsburg, N.J., and Hackettstown, N.J.; from Phillipsburg over New Jersey Highway 24 to junction New Jersey Highway 57, thence over New Jersey Highway 57 to Hackettstown and return over the same route; (58) between Rahway, N.J., and Seaside Heights, N.J., over New Jersey Highway 35; (59) between junction U.S. Highways 1 and 9 near Woodbridge, N.J., and Toms River, N.J., over U.S. Highway 9; (60) between junction New Jersey Highways 24 and 519 near Phillipsburg, N.J., and junction New Jersey Highway 519 and U.S. Highway 46, over New Jersey Highway 519; (61) between Trenton, N.J., and Asbury Park, N.J., over New Jersey Highway 33; (62) between Trenton, N.J., and Long Branch, N.J.; from Trenton over New Jersey Highway 33 to junction New Jersey Highway 537.

Thence over New Jersey Highway 537 to Long Branch and return over the same route; (63) between White Horse, N.J., and Toms River, N.J.; from White Horse over New Jersey Highway 524 to junction New Jersey Highway 526, thence over New Jersey Highway 526 to junction New Jersey Highway 571, thence over New Jersey Highway 571 to junction New Jersey Highway 547, thence over New Jersey Highway 547 to Lakehurst, N.J., thence over New Jersey Highway 37 to Toms River and return over the same route; (64) between junction New Jersey Highway 531 and U.S. Highway 22 and junction New Jersey Highways 531 and 514, over New Jersey Highway 531; (65) between South Bound Brook, N.J., and New Brunswick, N.J., over New Jersey Highway 527; (66) between junction New Jersey Highways 35 and 36 near Keyport, N.J., and junction New Jersey Highways 71 and 35 near Brielle, N.J.; from junction New Jersey Highways 35 and 36 over New Jersey Highway 36 to Long Branch, N.J., thence over New Jersey Highway 71 to junction New Jersey Highway 35 and return over the same route; (67) between Eatontown, N.J., and junction New Jersey Highways 71 and 35 near Long Branch, N.J., over New Jersey Highway 71; (68) between White Horse, N.J., and junction New Jersey Highway 533 and U.S. Highway 206 near Princeton, N.J., over New Jersey Highway 533; (69) between Burlington, N.J., and Camden, N.J., over New Jersey Highway 543; (70) between Mansfield Square, N.J., and Camden, N.J.; from Mansfield Square over U.S. Highway 206 to junction New Jersey Highway 537.

Thence over New Jersey Highway 537 through Mount Holly, N.J., to Camden and return over the same route; (71) between junction New Jersey Highway 537 and U.S. Highway 206 and Atlantic City, N.J.; from junction New Jersey Highway 537 and U.S. Highway 206 over U.S. Highway 206 to junction U.S. Highway 30, thence over U.S. Highway 30 to Atlantic City (also from Egg Harbor City, N.J., over New Jersey Highway 50 to Mays Landing, N.J., thence over U.S. Highway 40 to Atlantic City), and return over the same route; (72) between Bordentown, N.J., and Wrightstown, N.J., over New Jersey Highway 545; (73) between junction U.S. Highway 206 and New Jersey Highway 537, and New Egypt, N.J.; from junction U.S. Highway 206 and New Jersey Highway 537 over New Jersey Highway 537 to Jacobstown, N.J., thence over New Jersey Highway 528 to New Egypt and return over the same route; (74) between Bordentown, N.J., and New Egypt, N.J., over New Jersey Highway 528; (75) between Robinsville, N.J., and New Egypt, N.J.; from Robinsville over New Jersey Highway 526 to Allentown, N.J., thence over New Jersey Highway 539 to junction unnumbered highway near Cream Ridge, N.J.; thence over unnumbered highway to New Egypt and return over the same route; (76) between Princeton, N.J., and Robinsville, N.J.; from Princeton over New Jersey Highway 571 to junction New Jersey Highway 526.

Thence over New Jersey Highway 526 to Robinsville and return over the same route; (77) between junction New Jersey Highways 571 and 526 and Hightstown, N.J., over New Jersey Highway 571; (78) between Lambertville, N.J., and junction New Jersey Highways 518 and 27, over New Jersey Highway 518; (79) between Bridgeboro, N.J., and Westville, N.J.; from Bridgeboro over New Jersey Spur Highway 537 to Moorestown, N.J., thence over New Jersey Highway 41 to Haddonfield, N.J., thence over New Jersey Spur Highway 551 to Westville and return over the same route; (80) between Freehold, N.J., and Kingston, N.J., over New Jersey Highway 522; (81) between junction New Jersey Highways 571 and 547 near Lakehurst, N.J., and Seaside Heights, N.J., over New Jersey Highway 571; (82) between New Brunswick, N.J., and Carteret, N.J., over New Jersey Highway 514; (83) between Jersey City, N.J., and New Haven, Conn.; (a) from Jersey City over U.S. Highway 1 and 9 to junction Interstate Highway 95, thence over Interstate Highway 95 to New Haven (also over U.S. Highway 1), and return over the same route; (b) from Jersey City over Alternate U.S. Highway 1 to New York, N.Y., thence to New Haven as specified above and return over the same route; (c) from Jersey City over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 through the Lincoln Tunnel to New York, N.Y.

Thence to New Haven as specified above and return over the same route (84) between Hazelton, Pa., and the Pocono Interchange of the northeast extension of the Pennsylvania Turnpike, over Pennsylvania Highway 940; (85) between junction Pennsylvania Highways 45 and 29 and Nescopeck, Pa., over Pennsylvania Highway 29; (86) between Mount Carmel, Pa., and Catawissa, Pa., over Pennsylvania Highway 42; (87) between junction New Jersey Highways 526 and 571 near Holmeson, N.J., and junction New Jersey Highway 526 and U.S. Highway 9, over New Jersey Highway 526; (88) between Lakewood, N.J., and Point Pleasant, N.J., over New Jersey Highway 88; and (89) between Long Branch, N.J., and junction New Jersey Highways 71 and 35 near Brielle, N.J., over New Jersey 71; in connection with all of the above described routes, service is proposed (1) in New Jersey, (a) to and from all intermediate points and off-route points in Hudson and Essex Counties, N.J., and to and from Elizabeth, N.J., without restriction; (b) to and from the intermediate points and off-route points in Bergen, Middlesex, Somerset, Union, Passaic, Monmouth, Morris, and Ocean Counties, N.J.: *Provided, however,* That shipments transported to or from a service point in Pennsylvania shall be transported through Elizabeth or Somerville, N.J., or a point in Hudson or Essex Counties, N.J., (c) to and from New Jersey points not in Essex, Hudson, Bergen, Middlesex, Somerset, Union, Passaic, Monmouth, Morris, and Ocean Counties and other than Elizabeth, N.J., within 100 miles of Newark, N.J., restricted against transportation of shipments to or from service points in New York and Connecticut and provided that shipments transported to or from a service point in Pennsylvania shall be transported through Elizabeth or Somerville, N.J., or a point in Hudson or Essex Counties, N.J.; (d) to and from all intermediate points; (2) in Pennsylvania, to and from all intermediate points and off-route points in Lancaster, Chester, Delaware, Philadelphia, Montgomery, Bucks, Berks, Lebanon, Dauphin, Schuylkill, Carbon, Lehigh, Lackawanna, Northampton, Monroe Counties, Pa., restricted to shipments transported to, from or through Elizabeth or Somerville, N.J., or a point in Hudson or Bergen Counties, N.J.; (3) in New York, to and from all intermediate points, and to and from the off-route points in Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties and that portion of Columbia County, N.Y., on and south of New York Highway 23, restricted to shipments transported to, from or through a point in New Jersey and restricted against the transportation of shipments to or from service points in Connecticut or those in New Jersey outside of Hudson, Essex, Bergen, Middlesex, Somerset, Union, Passaic, Mon-

mouth, Morris, or Ocean Counties, N.J.; and (4) in Connecticut serving New Haven and points in its commercial zone, as defined by the Commission, restricted to shipments transported to, from or through a point in New Jersey and restricted against transportation of shipments to or from service points in New York or those in New Jersey outside of Hudson, Essex, Bergen, Middlesex, Somerset, Union, Passaic, Monmouth, Morris, or Ocean Counties, N.J.

NOTE: Applicant states that it seeks to retain the following irregular-route authority: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and commodities requiring special equipment), (1) between points in Essex, Hudson, Bergen, Middlesex, Somerset, Union, Passaic, Monmouth, Morris, and Ocean Counties, N.J., on the one hand, and, on the other, points in Connecticut within 100 miles of Newark, N.J. (except New Haven, Conn., and points in its commercial zone), points in that part of New York south of a line beginning at the New York-Massachusetts State line and extending along New York Highway 23 to Oneonta, N.Y., thence along New York Highway 7 to Binghamton, N.Y., and east of a line beginning at Binghamton, N.Y., and extending through Hawleyton, N.Y., to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified (except New York, N.Y., and points in Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, and those in Columbia County north of New York Highway 23); and (2) between Elizabeth, N.J., and points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in that part of Pennsylvania east of the Susquehanna River (except points in Lancaster, Chester, Delaware, Philadelphia, Montgomery, Bucks, Berks, Lebanon, Dauphin, Schuylkill, Carbon, Lehigh, Northampton, Monroe, and Lackawanna Counties). This application is filed pursuant to MC–C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 42487 (Sub-No. 633), filed August 25, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hackettstown, N.J., and junction New Jersey Highway 24 and U.S. Highway 22 near Phillipsburg, N.J., over New Jersey Highway 24, serving no intermediate points but serving the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route operations. NOTE: Common control may be involved.

No. MC 71992 (Sub-No. 2) (Amendment), filed February 24, 1965, published in FEDERAL REGISTER, issue of June 9, 1965, amended August 20, 1965, and republished as amended this issue. Applicant: RAND EXPRESS FREIGHT LINES, INC., 1110 Rutherford Avenue, Lyndhurst, N.J. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Leominster, Mass., and Greenfield, Mass., over Massachusetts Highway 2, serving all intermediate points (2) between Lawrence, Mass., and junction Interstate Highway 495 and Massachusetts Highway 2, over Interstate Highway 495, serving all intermediate points; (3) between Lowell, Mass., and Fall River, Mass., from Lowell, Mass., over Massachusetts Highway 3 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to Fall River (also as specified above to Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 79, thence over Massachusetts Highway 79 to Fall River) and return over the same routes, serving all intermediate points; (4) between New Bedford, Mass., and junction Massachusetts Highways 140 and 24; over Massachusetts Highway 140, serving all intermediate points; (5) between Providence, R.I., and junction of Massachusetts Highways 122 and 2, from Providence, R.I., over Rhode Island Highway 146 to Rhode Island-Massachusetts State line.

Thence over Massachusetts Highway 146 to junction Massachusetts Highway 122, thence over Massachusetts Highway 122 to junction Massachusetts Highway 2 and return over the same routes, serving all intermediate points; (6) between Providence, R.I., and Springfield, Mass., from Providence over U.S. Highway 44 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to junction with Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 83, thence over Connecticut Highway 83 to Connecticut-Massachusetts State line, thence over Massachusetts Highway 83 to Springfield and return over the same routes, serving all intermediate points; (7) between Providence, R.I., and Hartford, Conn., over U.S. Highway 6, serving all intermediate points, (8) between New London, Conn., and Hartford, Conn.; from New London over Connecticut Highway 85 to junction Connecticut Highway 2, thence over Connecticut Highway 2 to Hartford and return over the same routes, serving all intermediate points; and (9) between junction U.S. Highway 20 and Massachusetts Highway 169 near Charlton City, Mass., and junction Connecticut Turnpike and Connecticut Highway 2; from Massachusetts Highway 169 to junction Massachusetts Highway 198, thence over Massachusetts Highway 198 to Massachusetts-Connecticut State line, thence over Connecticut Highway 198 to junction Connecticut Highway 203, thence over Connecticut Highway 203 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 2, thence over Connecticut Highway 2 to junction the Connecticut Turnpike and return over the same routes, serving all intermediate points. NOTE: Applicant states that service is proposed to and from all off-route points in Connecticut, Rhode Island, and Massachusetts, except that no service may be performed between any two intermediate and/or off-route points in Connecticut, Rhode Island, and Massachusetts, except as otherwise authorized. The purpose of this republication is to include (9) nine additional service routes with those previously published. This application is filed pursuant to MC–C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 117444 (Sub-No. 1), filed August 25, 1965. Applicant: EARL L. HANSON, doing business as EARL HANSON TRUCKING CO., Route 2, Box 15, Mount Vernon, Wash. Applicant's representative: James T. Johnson, 609 Norton Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* from Hamilton (Skagit County), Wash., and points within 10 miles thereof to points in Oregon.

No. MC 117765 (Sub-No. 31), filed August 23, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oats and oat byproducts, feeding rolled oats, ground oat groats, feeding oatmeal flour, pulverized oats, and oat hulls*, from Klemme, Moville, Saint Ansgar, and Sioux City, Iowa; Minneapolis and St. Paul, Minn.; Yankton, S. Dak.; Cochrane, Wis.; to points in Kansas, Missouri, and Oklahoma.

No. MC 117765 (Sub-No. 32), filed August 23, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linseed* (flaxseed, oil, cake, or meal or pellets); *linseed* (flaxseed screenings); *linseed* (flaxseed ground), from Mankato, Minneapolis, St. Paul, and Red Wing, Minn., and points within 5 miles of each origin, to points in

Arkansas, Kansas, Nebraska, Missouri, and Oklahoma.

No. MC 118196 (Sub-No. 38), filed August 20, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Applicant's representative: Daniel B. Johnson, Warner Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts,* and *pineapples,* from Freeport, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Wyoming, Washington, and Wisconsin.

No. MC 119711 (Sub-No. 2), filed August 26, 1965. Applicant: R. LENGLE TRUCKING CO. INC., 3071 West 46th Street, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland, Ohio, 44129. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages,* such as ale, beer, beer tonic, porter, and stout in bulk in kegs and in bottles or cans in packages, from Latrobe, Pa., to Cleveland, Ohio, and *spoiled beverages* on return.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-9513; Filed, Sept. 8, 1965; 8:45 a.m.]

[Notice 813]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 3, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 95540 (Sub-No. 651), filed August 31, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *frozen products,* including *frozen animal and poultry food,* from New Bedford, Mass., and points within 20 miles thereof, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Common control may be involved.

HEARING: September 22, 1965, at the New Post Office and Courthouse Building, Boston, Mass., before Examiner John S. Messer.

No. MC 59211 (Sub-No. 3) (Republication), filed April 9, 1965, published FEDERAL REGISTER issue of May 5, 1965, and republished, this issue. Applicant: GREAT GEE DISTRIBUTORS, INC., Constable Hook Road, Bayonne, N.J. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. By application filed April 9, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of new furniture, other than upholstered, which has had a prior movement by rail or motor, from the warehouse of Broyhill Furniture Factories at Bayonne, N.J., to points in Connecticut, and returned and rejected commodities on return. An order of the Commission, Operating Rights Board No. 1, dated August 13, 1965, and served August 26, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *new furniture* (except upholstered), from the warehouse site of Broyhill Furniture Factories, located at Bayonne, N.J., to points in Connecticut, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 99776 (Sub-No. 3) (Republication), filed December 4, 1964, published FEDERAL REGISTER, issues of February 3 and March 10, 1965, as a matter directly related to MC-F-8958, and republished this issue. Applicant: HOUSTON LINES, INC., Houston, Tex. Applicant's representative: H. H. Prewett, 2159 Tennessee Building, Houston, Tex. An order, Finance Board No. 1, dated August 20, 1965, served August 27, 1965, which also embraces MC-F-8958, orders, among other things, that notice of said order, to the extent that it conditionally authorizes the issuance of a certificate of public convenience and necessity to applicant shall be published in the FEDERAL REGISTER so as to afford interested parties an opportunity to file objections, if they so desire, within 30 days from the date of such publication. The operating rights authorized to be issued are as follows: Irregular routes: *Agricultural machinery, implements and parts; livestock;* and *livestock feedstuffs,* between Houston, Tex., on the one hand, and, on the other, points in Texas; *grain,* between points in Wharton County, Tex., on the one hand, and, on the other, points in Texas on and within the area bounded by a line beginning at Port Arthur, Tex., thence north over U.S. Highway 69 to Woodville, thence in a northeasterly direction over U.S. Highway 287 to Crockett, thence in a southeasterly direction over Texas Highway 21 to Bryan, thence over U.S. Highway 190 to Hearne.

Thence in a southwesterly direction over U.S. Highway 79 to Round Rock, thence south over U.S. Highway 81 to San Antonio, thence south over U.S. Highway 281 via Pharr to Hidalgo, thence along the boundary of Texas and New Mexico to the Gulf Coast, thence northward along the Gulf Coast to the point of beginning. *Agricultural machinery, implements and parts, livestock, livestock feedstuffs, grain,* and *timber,* between points within 25 miles of Roscoe, Tex., on the one hand, and, on the other, points in Texas within 300 miles of Roscoe; *cottonseed,* in bulk, in truckload lots, between points within 250 miles of Roscoe, Tex., on the one hand, and, on the other, points in Texas; *grain,* in bulk, in truckload lots, between points within 100 miles of Roscoe, Tex., on the one hand, and, on the other, points in Texas; *pipe,* except when intended for use as oil field equipment as defined by the Commission in *Mercer Extension-Oil Field Commodities,* 74 M.C.C. 459 (543), between points in Texas; *commodities which because of size or weight require the use of special equipment,* between points in Texas; *tractors, heavy machinery, contractors' machinery, equipment, materials,* and *supplies,* between points in Texas.

No. MC 114789 (Sub-No. 14) (Republication), filed April 14, 1965, published FEDERAL REGISTER issue of May 5, 1965, and republished this issue. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's representative: William S. Rosen, 400 Minnesota Building, St. Paul, Minn., 55101. By application filed April 14, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of cheese, from points in Wisconsin, to Buena Vista, Calif. An order of the Commission, Operating Rights Board No. 1, dated August 20, 1965, and served August 26, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle over irregular routes, of *cheese,* from points in Wisconsin to Buena Park, Calif., under a continuing contract with Milkhouse Cheese Corp., of San Antonio, Tex., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this

order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 115695 (Sub-No. 3) (Republication), filed October 15, 1964, published FEDERAL REGISTER issue of November 4, 1964, and republished this issue. Applicant: J. D. WILLIAMS AND JOE E. WILLIAMS, a partnership, doing business as J. D. WILLIAMS & SON, Washington Avenue, Wrightsville, Ga. By application filed October 15, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of lumber from points in Johnson, Emanuel, Jefferson, Washington, Wilkerson, Laurens, and Treutlen Counties, Ga., to points in Florida, and empty containers or other such incidental facilities, not specified, used in transporting the above-specified commodity on return. A report of the Commission, Operating Rights Board No. 1, dated August 25, 1965, and served September 1, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *lumber* from points in Jefferson, Washington, Wilkinson, Laurens, and Twiggs Counties, Ga., points in Johnson County, Ga. (except Adrian and Wrightsville) and points in Emanuel County, Ga. (except Swainsboro) to points in Florida; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the finding in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a certificate in this proceeding will be withheld for a a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117872 (Sub-No. 5) (Republication), filed May 3, 1965, published FEDERAL REGISTER issue of May 26, 1965, and republished, this issue. Applicant: WM. P. JOSEPH, ERNEST B. JOSEPH AND BESSIE T. JOSEPH, a partnership, doing business as A. JOSEPH & CO., 352 East Woodrow Wilson Street, Jackson, Miss. Applicant's representative: Harold D. Miller, Jr., Suite 700 Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. By application filed May 3, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of bananas, from Freeport, Tex., to Denver, Colo., and points within 15 miles thereof and "exempt" commodities, on return. An order of the Commission, Operating Rights Board No. 1, dated August 20, 1965, and served August 26, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *bananas*, from Freeport, Tex., to Denver, Colo., and points in Adams, Arapahoe, Boulder, Douglas, and Jefferson Counties, Colo., and points in that portion of Weld County, Colo., on and south of Colorado Highway 52; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 119493 (Sub-No. 16) (Republication), filed April 12, 1965, published FEDERAL REGISTER issue of May 5, 1965, and republished, this issue. Applicant MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. By application filed April 12, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of sand, rock, whole or crushed, supplies used in coating same, new bags, and containers, between Galena, Kans., and a 25-mile radius thereof, on the one hand, and, on the other, points in the States of Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas, except glass and cardboard containers, between Chicago, Ill., Gary, Ind., Wichita, Kans., Dallas, Tex., Memphis, Tenn., and their respective commercial zones, the States of Arkansas, Missouri, and Oklahoma, and points on U.S. Highway 75 from Dallas, Tex., to the Oklahoma State line, on the one hand, and, on the other, Galena, Kans., and points within a 25-mile radius thereof, and limestone, limestone products, and dolomite, in bulk, from points in Illinois and St. Francois County, Mo., to points in Missouri, Oklahoma, and Kansas. An order of the Commission, Operating Rights Board No. 1, dated August 26, 1965, and served September 1, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *sand* and *rock*, from points in those portions of Kansas, Missouri, and Oklahoma bounded by a line beginning at a point on Kansas Highway 126, at Pittsburg, Kans., thence westerly along Kansas Highway 126 to junction U.S. Highway 160, at or near McCune, Kans., thence westerly along U.S. Highway 160 to the Cherokee-Labatte County line, thence southerly along the Cherokee-Labatte County line to the Kansas-Oklahoma State line, thence westerly along the Kansas-Oklahoma State line to Oklahoma Highway 2, thence southerly along Oklahoma Highway 2 to junction Interstate Highway 44 at or near Vinita, Okla., thence northeasterly along Interstate Highway 44 to junction U.S. Highway 60, at or near Afton, Okla., thence easterly along U.S. Highway 60 to the Oklahoma-Missouri State line at or near Seneca, Mo., thence continuing along U.S. Highway 60 to junction Alternate U.S. Highway 71, thence northerly along Alternate U.S. Highway 71 to junction U.S. Highways 71 and 66, at or near Carthage, Mo., thence northerly along U.S. Highway 71 to junction Missouri Highway 126, thence westerly along Missouri Highway 126 to the Missouri-Kansas State line, thence westerly along Kansas Highway 126 to Pittsburg, Kans., the point of the beginning, including points on the described highways and county lines, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas, and (2) of *new bags* and *containers* (except glass and cardboard containers) from the destination territory described in (1), to points in the origin territory described in (1); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 123502 (Sub-No. 14) (Republication), filed March 16, 1965, published FEDERAL REGISTER issue of April 8, 1965, and republished, this issue. Applicant: FREE STATE STONE SERVICE, INC., 10 Vermont Avenue, Glen Burnie, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md., 21157. By application filed March 16, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of ferrous sulphate, moist (except when used as a fertilizer and fertilizer material), in bulk, in dump vehicles, and of lime and limestone products, in bulk, in dump vehicles, from and to the points

indicated below. An order of the Commission, Operating Rights Board No. 1, dated August 20, 1965, and served August 27, 1965, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *ferrous sulphate* (except when used as a fertilizer or fertilizer material), in bulk, in dump vehicles, from Baltimore, Md., to points in Essex, Hudson, Middlesex, Somerset, and Union Counties, N.J., and (2) of *lime and limestone products*, in bulk, in dump vehicles, from points in Shenandoah County, Va., to points in Connecticut and New York (except points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126463 (Republication), filed August 3, 1964, published FEDERAL REGISTER, issue of December 23, 1964, and republished this issue after report and order. Applicant: GREER BROS. TRUCKING CO., a corporation, North Main Street, London, Ky. Applicant's representative: J. Milton Luker, 108 East Fourth Street, London, Ky. By application filed August 3, 1964, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (A) stone and gravel: (1) from the plantsites of Jellico Stone Co., located 3 miles south of Jellico, Campbell County, Tenn., and Key Limestone Co., located approximately 4 miles south of LaFollette, Tenn., to points in Campbell and Anderson Counties, Tenn., and Whitley and Laurel Counties, Ky.; (2) from Somerset Stone Co. located at Somerset, Ky., and Strunk Construction Co. located at Burnside, Pulaski County, Ky., to points in Scott County, Tenn.; (3) from Middlesboro, Ky., to points in Bell County, Ky., and Claiborne County, Tenn., restricted to shipments having a prior or subsequent movement by railroad, (4) from Barbourville, Knox County, Ky., to points in Knox County, Ky., restricted to shipments having a prior or subsequent movement by railroad, (B) sand, cement, blacktop, and asphalt material, restricted to shipments having a prior or subsequent movement by railroad.

(1) From Williamsburg, Whitley County, Ky., to points in Campbell and Anderson Counties, Tenn., (2) from Whitley City, McCreary County, Ky., to points in Scott County, Tenn.; (3) from Middlesboro, Ky., to points in Claiborne County, Tenn., and empty containers or other such incidental facilities used in transporting the above-described commodities on return. Hearing was held on April 1, 1965, at Nashville, Tenn. A report and order, served April 14, 1965, which became effective May 14, 1965, and was served on May 21, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes of (1) *stone* and *gravel* (a) from the plantsite of the Jellico Stone Co., located on U.S. Highway 25–W about 3 miles south of Jellico, Tenn., and from the plantsite of the Key Limestone Co., located about 4 miles south of LaFollette, Tenn., to points in Whitley and Laurel Counties, Ky., (b) from the plantsite of the Somerset Stone Co., located at Somerset, Ky., and from the plantsite of Strunk Construction Co., located at Burnside, Ky., to points in Scott County, Tenn., (c) from Middlesboro, Ky., to points in Bell County, Ky., and Claiborne County, Tenn., restricted to shipments having a prior or subsequent movement by rail, (d) from Barbourville, Ky., to points in Knox County, Ky., restricted to shipments having a prior or subsequent movement by rail, and (2) *sand, cement, blacktop*, and *asphalt material*, restricted to shipments having a prior or subsequent movement by rail.

(a) From Williamsburg, Ky., to points in Campbell and Anderson Counties, Tenn., (b) from Whitley City, Ky., to points in Scott County, Tenn., and (c) from Middlesboro, Ky., to points in Claiborne County, Tenn. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of authority actually granted will be republished in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such republication, during which period any proper party in interest may file an appropriate protest or other pleading. A petition was filed on May 21, 1965, by protestant, which stayed the issuance of said certificate. The said petition was denied by order of August 11, 1965, served August 18, 1965.

No. MC 126503 (Sub-No. 2) (Republication), filed March 30, 1965, published FEDERAL REGISTER issue of April 14, 1965, and republished, this issue. Applicant: WALTER L. HODGENS, doing business as SOUTHERN MARYLAND DELIVERIES, 5031 Dunlap Street SE., Washington, D.C. Applicant's representative: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. By application filed March 30, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of films, photo supplies, drugs, sundries, and drugstore supplies, in individual shipments not to exceed 500 pounds each, from and to the points indicated in the findings below. An order of the Commission, Operating Rights Board No. 1, dated August 13, 1965, and served August 27, 1965, finds that operation by applicant, in interstate or foreign commerce, over irregular routes, as a *contract carrier* by motor vehicle (1)(a) of *film*, and *photographic equipment* and *supplies*, under a continuing contract with District Photo, Inc., of Washington, D.C., (b) of *such commodities* as are usually sold by wholesale dealers in drugs and drugstore supplies, under a continuing contract with District Wholesale Drug Corp., of Washington, D.C., and with Washington Wholesale Drug Exchange, of Washington, D.C., and (c) of *bedding, towels, hosiery, handwear, clothing*, and *clothing accessories*, under a continuing contract with Standard Textile of D.C., Inc., of Washington, D.C., from Washington, D.C., to points in Anne Arundel, Calvert, Charles, Prince Georges, and St. Marys Counties, Md., and that portion of Virginia on and north of the junction U.S. Highway 250 at the West Virginia border.

Thence east on U.S. Highway 250 to junction U.S. Highway 15, thence north on U.S. Highway 15 to junction Virginia Highway 22, thence east to junction U.S. Highway 33, thence southeast on U.S. Highway 33 to junction Virginia Highway 54, thence east on Virginia Highway 54 to junction U.S. Highway 301, thence north on U.S. Highway 301 to junction Virginia Highway 30, thence east on Virginia Highway 30 to junction U.S. Highway 360, and thence east on U.S. Highway 360 to Chesapeake Bay; and (2) of *returned and rejected shipments*, on return, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126778 (Republication), filed December 7, 1964, published FEDERAL REGISTER issue of December 23, 1964, and republished, this issue. Applicant: PRESGRAVE BROS., INC., 8114 Harvard, Cleveland, Ohio, 44105. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. By application filed December 7, 1964, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier

by motor vehicle, over irregular routes, of steel drums, steel pails, and agitators therefor, and parts and accessories thereof, when moving therewith, from Cleveland, Ohio to points in Kentucky, Michigan, New York, Pennsylvania, and West Virginia; and rejected and return shipments of the above-described commodities on return; under a continuing contract or contracts with Inland Steel Container Co., of Cleveland, Ohio. An order of the Commission, Operating Rights Board No. 1, dated August 26, 1965, and served September 1, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *steel drums* and *steel pails* from the plantsite of Inland Steel Container Co., located at Cleveland, Ohio, to points in Michigan, New York, Pennsylvania, and West Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and within 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1,240 TO THE EXTENT APPLICABLE

No. MC 5429 (Sub-No. 15), filed August 23, 1965. Applicant: LYON VAN LINES, INC., 3416 South LaCienega Boulevard, Los Angeles, Calif., 90016. Applicant's representative: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Nebraska, on the one hand, and, on the other, points in Iowa, Illinois, Minnesota, and Colorado, (2) between Sioux City and Council Bluffs, Iowa, and points in Iowa within 50 miles of Sioux City and Council Bluffs, on the one hand, and, on the other, points in Illinois, Minnesota, and Colorado, and (3) between points in Lancaster County, Nebr., on the one hand, and, on the other, points in Kansas. NOTE: Applicant states it seeks to purchase the above-recited authority of Pacific Intermountain Express Co. Such authority, however, is subject to the following restriction: No shipments shall be transported under any combination or through joinder of the rights in (1) through (3) above from, to, or between points in two or more of the described radial origin or destination areas, nor may household goods be transported from, to, or between any point under said carrier's other existing rights and those in the three radial areas described immediately above. The purpose of this application is to remove the foregoing restriction. In addition, applicant intends to tack the authority applied for with its present existing authority in MC 5429 and subs thereunder, wherein it is authorized to serve points in all States (except Alabama, Alaska, Hawaii, Mississippi, and West Virginia). This application is directly related to MC–F–9200, published FEDERAL REGISTER issue of September 1, 1965.

No. MC 48205 (Sub-No. 6), filed August 20, 1965. Applicant: WEST COAST FAST FREIGHT, a corporation, 500 South Greenwood, Montebello, Calif. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities*, (1) between points in that part of California bounded by a line beginning at (and including) the city of Santa Barbara, Calif., and extending along U.S. Highway 101 to junction California Highway 126, thence along California Highway 126 to junction U.S. Highway 99, thence along U.S. Highway 99 to corporate limits of the city of San Fernando, thence northerly along the corporate limits to McClay Avenue, thence northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary, thence southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to Mill Creek Road, thence westerly along Mill Creek Road to junction unnumbered county road 3.8 miles north of Yucaipa, thence southerly along unnumbered county road to Yucaipa, thence westerly along Redlands Boulevard to junction U.S. Highway 99, thence northwesterly along U.S. Highway 99 to the city of Redlands, thence continue along U.S. Highway 99 to junction U.S. Highway 395, thence southerly along U.S. Highway 395 to junction California Highway 18.

Thence southwesterly along California Highway 18 to junction U.S. Highway 91, thence westerly along U.S. Highway 91 to junction California Highway 55, thence southerly along California Highway 55 to the city of Santa Ana, thence along U.S. Highway 101 to San Clemente (including the off-route point of El Toro Marine Base), thence southwesterly to the shoreline of the Pacific Ocean, thence northwesterly along the shoreline of the Pacific Ocean to the point of beginning; (2) between points in that part of California as described in (1) above, on the one hand, and, on the other, San Diego, Bakersfield, Sanger, Fresno, Turlock, Patterson, Ceres, Modesto, Stockton, San Jose, and points in that part of California bounded by a line beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean and extending easterly along the San Francisco-San Mateo County boundary line to a point 1 mile west of U.S. Highway 101, thence southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to junction Southern Pacific Co. right-of-way at Arastradero Road, thence southeasterly along the Southern Pacific Co. right-of-way to junction Pollard Road, thence easterly along Pollard Road to junction West Parr Avenue, thence easterly along West Parr Avenue to junction Capri Drive, thence southerly along Capri Drive to junction East Parr Avenue, thence easterly along East Parr Avenue to the Southern Pacific Co. right-of-way.

Thence southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits, thence easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road, thence northeasterly along the San Jose-Los Gatos Road to junction Foxworthy Avenue, thence easterly along Foxworthy Avenue to junction Almaden Road, thence southerly along Almaden Road to junction Hillsdale Avenue, thence easterly along Hillsdale Avenue, to junction U.S. Highway 101, thence northwesterly along U.S. Highway 101 to Tully Road, thence northeasterly along Tully Road to junction White Road, thence northwesterly along White Road to junction McKee Road, thence southwesterly along McKee Road to junction Capitol Avenue, thence northwesterly along Capitol Avenue to junction California Highway 17 (Oakland Road), thence northerly along California Highway 17 to Warm Springs, thence northerly along unnumbered highway through Mission San Jose and Niles to Hayward, thence northerly along Foothill Boulevard to junction Seminary Avenue, thence easterly along Seminary Avenue to junction Mountain Boulevard, thence northerly along Mountain Boulevard and Moraga Avenue to junction Estates Drive, thence westerly along Estates Drive, Harbord Drive, and Broadway Terrace to junction College Avenue, thence northerly along College Avenue to junction Dwight Way, thence easterly along Dwight Way to the Berkeley-Oakland boundary line, thence northerly along the Berkeley-Oakland boundary line to the campus boundary of the University of California.

Thence northerly and westerly along the campus boundary of the University of California to Euclid Avenue, thence northerly along Euclid Avenue to junction Marin Avenue, thence westerly along Marin Avenue, to Arlington Avenue, thence northerly along Arlington Avenue to junction U.S. Highway 40 (San Pablo Avenue), thence northerly along U.S. Highway 40 to the city of Richmond, thence southwesterly along the highway extending from the city of Richmond to Point Richmond, thence southerly along an imaginary line from Point Richmond to San Francisco waterfront at the foot of Market Street, thence westerly along the waterfront and shoreline to the Pacific Ocean, thence southerly along the shoreline of the Pacific Ocean to point of beginning; (3) between San Jose, Calif., and points in that part of California as described in (2) above, on the one hand, and, on the other, Stockton, Modesto, Ceres, Patterson, Turlock, Fresno, Sanger, Bakersfield, and San Diego, Calif.; (4) between Stockton, Modesto, Ceres, Patterson, Turlock, Fresno, Sanger, Bakersfield, and San

Diego, Calif.; (5) between points in Tulare County, Calif.; (6) between points in Tulare County, Calif., on the one hand, and; on the other, Sanger, Fresno, Turlock, Patterson, Ceres, Modesto, Stockton, Bakersfield, San Diego, points in that part of California as described in (1) above and points in that part of California as described in (2) above.

(B) *Foodstuffs, beverages or beverage preparations, meats, cooked, cured, fresh or preserved, lard, lard substitutes, rendered pork fats, dressed poultry, starch, fruits and vegetables, fresh bakery goods, including waffles, frozen and pies other than frozen, candy or confectionery, casings (sausage or meat products), coconuts (also coconut milk), dairy products, including butter, margarine, eggs, milk and ice cream, feed, animal or poultry (including fish food, frozen), fish, fresh or frozen, fish livers, frozen, fruit or berries, fruit peel or pulp-dried, nuts, edible, oils, lime, chlorinated, sodium chloride (common salt), ice, and commodities other than herein specified, requiring temperature control,* (1) between San Diego, Bakersfield, Sanger, Fresno, Turlock, Patterson, Ceres, Modesto, Stockton, Calif., points in Tulare County, Calif., and points in those parts of California as described in (A) (1) and (2) above, on the one hand, and, on the other, (a) Sacramento, Calif., and points on U.S. Highways 40 and 50 intermediate between Sacramento and the San Francisco territory, (b) points on U.S. Highway 101 intermediate between Santa Barbara and the San Francisco territory, (c) points on U.S. Highway 99 intermediate between Stockton and Sacramento and (d) Hood, Courtland, Watsonville, Castroville, and Santa Cruz, Calif.; (2) between points as described in (a), (b), (c), and (d) immediately above.

(C) *Sugar* (except liquid sugar), between Carlton, Betteravia, and Spreckels, Calif., on the one hand, and, on the other, points in that part of California as described in (A) (1) above; and (D) *fruits and vegetables, fresh or green, cold-pack or frozen, juice, citrus fruit, and juice, citrus fruit, frozen and also perishable commodities requiring refrigeration,* (1) between Stockton, Modesto, Ceres, Patterson, Turlock, Fresno, Sanger, and Bakersfield, Calif.; and (2) between Stockton, Modesto, Ceres, Patterson, Turlock, Fresno, Sanger, and Bakersfield, Calif., on the one hand, and, on the other, points in those parts of California as described in (A) (1) and (2) above, and points in Tulare County, Calif., and Goleta and San Diego, Calif. Restriction: Applicant states that it does not seek authority in (A), (B), (C), and (D) above to render service to, from or between intermediate points, nor the right to transport any shipments of (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; and (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit. NOTE: This is a matter to be handled concurrently with No. MC–F 9197, published in FEDERAL REGISTER issue of September 1, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–8869 (KERR MOTOR LINES, INC.—CONSOLIDATION—FLOYD L. KERR, ET AL.) published in the September 10, 1964 issue of the FEDERAL REGISTER on page 12796. The above proceeding also embraces No. MC–126588 KERR MOTOR LINES, INC., and MC–99094 (Sub-No. 1), BINGHAMTON DELIVERY, INC. By petition filed August 30, 1965, applicants seek to amend the application in No. MC–F–8869 by substituting BINGHAMTON DELIVERY, INC., in lieu of KERR MOTOR LINES, INC., as the applicant for authority now sought in No. MC–126588, and to include the authority sought by CONRAD TRUCKING CO., INC., in No. MC–97246 (Sub-No. 4). Applicants seek stay of the recommended order of the examiner, served July 29, 1965, which found that FLOYD L. KERR, doing business as LEWIS MOTOR LINES, FLOYD L. KERR and ROBERT KERR, partners, doing business as F. L. KERR & SON, CONRAD TRUCKING CO., INC., and BINGHAMTON DELIVERY, INC., were being managed and controlled in a common interest; that BINGHAMTON DELIVERY, INC., was controlled by a multistate carrier on October 15, 1962, and was not entitled to the certificate of registration sought in No. MC–99094 (Sub-No. 1) which application should be denied; and that in view of the conclusion that the application in No. MC–99094 (Sub-No. 1) should be denied the applications in No. MC–F–8869 and MC–126588 must be dismissed as no transaction was presented subject to section 5(2) of the act, inasmuch as the number of vehicles operated by the carriers was not more than 20. Applicants request that the applications in Nos. MC–99094 (Sub-No. 1) and MC–99094 (Sub-No. 2) be dismissed in the event the applications in No. MC–F–8869 and MC–126588, as amended, are granted, and assert that the proposed amendment will eliminate the necessity for consideration of exceptions to the recommended order of the examiner, which exceptions will be filed if the request for stay thereof is not granted.

No. MC–F–8995 (J AND L LINES, INC.—PURCHASE (PORTION)—DISTRICT HAULING & CONTRACTING CO., INC.), published in the January 20, 1965, issue of the FEDERAL REGISTER on page 664. By petition filed August 26, 1965, applicants seek to amend the application to the extent that J AND L LINES, INC., seeks to acquire only that portion of the operating rights of DISTRICT HAULING & CONTRACTING CO., INC., covering the transportation of *rough and dressed lumber,* as a *common carrier,* over irregular routes, from points in North Carolina to Baltimore, Md., points in Baltimore County, Md., Pennsylvania, and Atlantic, Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem Counties, N.J.

No. MC–F–9205. Authority sought for purchase by J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind., of the operating rights and property of STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind., and for acquisition by R. RALPH ARTIM, 7108 Alabama Avenue, Hammond, Ind., of control of such rights and property through the purchase. Applicants' attorneys: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind., and Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Operating rights sought to be transferred: *Steel, iron castings, forgings,* and *iron and steel articles,* as a *common carrier,* over irregular routes, between points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, on the one hand, and, on the other, points in Indiana, Michigan, and Illinois, traversing Wisconsin for operating convenience only; *iron and steel articles,* between Chicago Heights, Ill., on the one hand, and, on the other, points in Indiana and Michigan; from Middletown, Ohio, to St. Louis, Mo., and points in Illinois, and Indiana; *scrap metals,* from points in Illinois, Indiana, and those in the Lower Peninsula of Michigan to Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673; **iron and steel articles,* which because of their size, shape; or weight require specialized handling or rigging or the use of special equipment, from points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and Chicago Heights, Ill., to certain specified points in Kentucky, Missouri, Iowa, Ohio, and Wisconsin; from Portage, Ind., to certain specified points in Wisconsin; *wooden platform skids,* from Rockford, Ill., to points in the Chicago, Ill., commercial zone, as defined by the Commission, which are situated in Indiana; **nonferrous metals,* when moving in the same vehicle at the same time with *iron and steel articles,* which because of their size, shape, or weight require specialized handling or rigging or the use of special

equipment and/or *iron and steel articles* which are integrally a part of a shipment, requiring specialized handling or special equipment, from Chicago, Ill., to Cincinnati, Ohio; *polyvinyl chloride pipe,* and *plastic products,* when moving in the same vehicle at the same time with (1) iron and steel articles and nonferrous metals which, because of their size, shape, or weight require specialized handling or rigging or the use of special equipment, or (2) iron and steel articles which are integrally a part of a shipment requiring specialized handling or special equipment, from Chicago, Ill., to Cincinnati, Ohio; *iron and steel articles,* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Portage, Ind., to certain specified points in Kentucky, Missouri, Illinois, Indiana, Michigan, Iowa, and Ohio; *iron and steel articles,* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, except commodities which by reason of their size or weight require the use of special equipment or special handling, from the plant sites and warehouses of the Kankakee Electric Steel Co., Swanson Manufacturing Co., and Jones & McKnight, Inc., in Kankakee, County, Ill., to points in Iowa, Kentucky, Indiana, the Lower Peninsula of Michigan, Ohio, and Wisconsin.

Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is limited to traffic originating at the plantsites and warehouses specified. The authority granted herein which shall duplicate that now held by carrier shall be considered to comprise not more than a single operating right which is not severable by sale or otherwise from that presently held; *fire brick, fire clay, furnace and kiln lining,* and *high temperature bonding mortar,* from Goose Lake, Ill., to certain specified points in Wisconsin, Indiana, Iowa, Ohio, and Michigan; *printed matter, crates, foundry alloys,* and *metal alloys,* when moving in mixed loads with nonferrous metals, steel, iron castings, forgings, and iron and steel articles (presently authorized), from the warehouses of Steel Sales Corp. at Chicago, Ill., to Detroit, Mich.; *building and construction materials,* between certain specified points in Illinois and Indiana; and in pending docket No. MC–79695 (Sub-No. 28) covering the transportation of *nonferrous metals,* between Chicago, Ill., and Indianapolis, Ind.; and *iron and steel articles,* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, and *nonferrous metals,* from Cincinnati, Ohio (not including points in Kentucky in the Cincinnati, Ohio, commercial zone), to Chicago, Ill.; and in pending docket No. MC–79695 (Sub-No. 29), covering the transportation of *iron and steel articles,* between the plantsite of the Bethlehem Steel Corp., in Burns Harbor, Ind., on the one hand, and, on the other, points in Wisconsin;* and in pending docket No. MC–79695 (Sub-No. 21) covering the transportation of *iron and steel articles,* as described in appendix V, *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from points in the Chicago, Ill., commercial zone, as defined by the Commission, and Chicago Heights, Ill., to certain specified points in Kentucky, Missouri, Iowa, Ohio, and Wisconsin; and *nonferrous metals,* when moving in the same vehicle at the same time with iron and steel articles, as described in appendix V, *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Chicago, Ill., to Cincinnati, Ohio, Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Wisconsin, Iowa, and Michigan. Application has been filed for temporary authority under section 210a(b). NOTE: The rights in pending docket No. MC–79695 (Sub-No. 21) were granted by order dated February 23, 1965, by the Commission, Division 1, and affirmed by order dated June 25, 1965, by the Commission, Division 1, acting as an appellate division, subject to the condition that applicant shall, in writing, request concurrent cancellation of its certificates Nos. MC–79695 (Sub-No. 5) and MC–79695 (Sub-No. 17), which rights are noted with an asterisk (*). No new certificate has yet been issued by this Commission.

No. MC–F–9206. Authority sought for purchase by THE BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, Md., 21224, of a portion of the operating rights of GLOSSON MOTOR LINES, INC., Hargrave Road, Lexington, N.C., and for acquisition by KENNETH K. ZECHMAN and HARRY E. ZECHMAN, both also of Baltimore, Md., of control of such rights through the purchase. Applicants' attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Operating rights sought to be transferred: *Empty glass containers,* as a *common carrier,* over irregular routes, from Elmira, N.Y., to points in Maryland, traversing Pennsylvania and the District of Columbia for operating convenience. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New York, New Jersey, Ohio, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65–9512; Filed, Sept. 8, 1965; 8:48 a.m.]

[Notice 42]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 3, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22229 (Sub-No. 38 TA), filed September 1, 1965. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga., 30316. Applicant's representative: Guy H. Postell, 1305 Peachtree Street NW., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Atlanta, Ga., and Detroit, Mich. (via Cincinnati, Ohio), as follows: From Atlanta, Ga., over U.S. Highway 41, and over Interstate Highway 75, to Chattanooga, Tenn., thence over U.S. Highway 27 to junction of U.S. Highway 27 with Interstate Highway 75, at or near Lexington, Ky., thence over Interstate Highway 75 to Cincinnati, Ohio, thence Interstate Highway 75 and/or U.S. Highway 25 via Dayton, Lima, Findley, and Toledo, Ohio, to Detroit, Mich., and return over the same route, serving no intermediate points, except Cincinnati, Ohio, and then only for the purpose of interchange with applicant's wholly owned affiliate Johnson Freight Lines Co., Inc., and (2) between Indianapolis, Ind., and Detroit, Mich., as follows: From Indianapolis, Ind., over Indiana State Highway 37 to Fort Wayne, Ind., thence over U.S. Highway 24 to Toledo, Ohio.

Thence over Interstate Highway 75 and/or U.S. Highway 25 to Detroit, Mich., and return over the same routes, serving no intermediate points, and serving Indianapolis, Ind., as a point of junction with applicant's presently held authority only; and (3) between junction of U.S. Highway 127 with U.S. Highway 24 (approximately 12 miles east of Antwerp, Ohio), and Jackson, Mich., as follows: From junction of U.S. Highway 127 and U.S. Highway 24 (approximately 12 miles east of Antwerp, Ohio), over U.S. Highway 127 to Jackson, Mich., and return over the same route, serving no intermediate points and serving the junction of U.S. Highways 127 and 24 for joinder only; and (4) between junction of U.S. Highway 30S and Interstate Highway 75 (at or near Lima, Ohio), and junction of U.S. Highways 127 and 24 (approximately 12 miles east of Antwerp, Ohio), as follows: From junction of Interstate Highway 75 and U.S. Highway 30S (at or near Lima, Ohio), to Delphos,

Ohio, thence U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway No. 127 to junction of that highway with U.S. Highway 24 (approximately 12 miles east of Antwerp, Ohio), and return over the same route, serving no intermediate points and serving all junctions for the purpose of joinder only; and (5) between Jackson, Mich., and Detroit, Mich., as follows: From Jackson, Mich., over Interstate Highway 94 to Detroit, Mich., and return over the same route, serving only the intermediate and off-route points of Ann Arbor, Ypsilanti, Willow Run, Romulus, Inkster, and Wayne, Mich.; and (6) between Lansing, Mich., and Detroit, Mich., as follows: From Lansing, Mich., over U.S. Highway 127 to junction of Interstate Highway 96 south of Lansing.

Thence over Interstate Highway 96 to Detroit, Mich., and return over the same route, serving no intermediate points, and (7) between Lansing, Mich., and Flint, Mich., as follows: From Lansing, over Michigan Highway 78 to Flint, Mich., and return over the same route, serving only the intermediate or off-route points of East Lansing and Swartz Creek; and (8) between Detroit, Mich., and Bay City, Mich., as follows: From Detroit, Mich., over Interstate Highway 75 to junction of Interstate Highway 75 and Michigan State Highway 13 (near Saginaw, Mich.), thence over Michigan State Highway 13 to Bay City, Mich., and return over the same route, serving only the intermediate or off-route points of Troy, Pontiac, Flint, and Saginaw, and (9) between Midland, Mich., and Saginaw, Mich., as follows: From Midland, Mich., over Michigan State Highway 47 to junction of that Highway with Michigan State Highway 46 (west of Saginaw), thence over Michigan State Highway 46 to Saginaw, Mich., and return over the same route, serving no intermediate points, and (10) between Midland, Mich., and Bay City, Mich., as follows: From Midland, Mich., over U.S. Highway 10 to Bay City, Mich., and return over the same route, serving no intermediate points, and (11) between junction of Michigan State Highway 13 and Interstate Highway 75 (near Saginaw, Mich.), and junction of Interstate Highway 75 with U.S. Highway 10 (approximately 2 miles west of Bay City, Mich.), as follows: From junction of Michigan State Highway 13 to Interstate Highway 75 (near Saginaw, Mich.), to junction of Interstate Highway 75 with U.S. Highway 10 (approximately 2 miles west of Bay City, Mich.), and return over the same route, serving no intermediate points, and (12) between Jackson, Mich., and Lansing, Mich., as follows: From Jackson, Mich., over U.S. Highway 127 to Lansing, Mich., and return over the same route, serving no intermediate points. NOTE: At-all points of joinder, and service points, including intermediate and off-route points, involved in this application, applicant seeks authority throughout the commercial zone of each of said points as defined by the Commission, for 180 days. Supporting shipper: There are over 100 letters of shipper support attached to the application, which may be examined here at the offices of the Commission, in Washington, D.C. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, Atlanta, Ga., 30308.

No. MC 108449 (Sub-No. 210 TA), filed September 1, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gary slag*, in bulk, from Duluth, Minn., to Ironwood, Mich., for 150 days. Supporting shipper: Ruppe Manufacturing Co., Route 2, Box 25, Lake Road, Ironwood, Mich. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 113855 (Sub-No. 114 TA), filed September 1, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn., 55902. Applicant's representative: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loaders, conveyors, screens, grizzlies, attachments, accessories, and parts*, from Sioux Falls, S. Dak., to points in the United States, except Alaska and Hawaii, for 180 days. Supporting shipper: Athry Products Corp., Post Office Box 669, Raleigh, N.C., 27602. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 121361 (Sub-No. 1 TA), filed September 1, 1965. Applicant: DIXIE VAN LINES, INC., doing business as COLUMBUS WAREHOUSE & STORAGE COMPANY, 803 Ninth Street South, Columbus, Miss. Applicant's representative: B. L. Chesser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized used household goods*, from Columbus, Miss., on the one hand, and on the other, points in Lowndes, Monroe, Lee, Oktibbeha, Chickasaw, Calhoun, Choctaw, Winston, and Noxubee Counties, Miss., and points in Lamar, Fayette, Tuscaloosa, Pickens, and Green Counties, Ala., for 180 days. Supporting shippers: Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y., Vanpac Carriers, Inc., 2114 McDonald Avenue, Richmond, Calif., Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 125777 (Sub-No. 80 TA), filed September 1, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin sand*, in bulk, in permanently affixed bulk carrying units unloaded by conveyors, and in bags when moving in mixed loads and in the same vehicle transporting resin sand, in bulk, in permanently affixed bulk carrying units unloaded by conveyors, from Troy Grove, Ill., to points in Michigan, Ohio, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, Kansas, Tennessee, Pennsylvania, Massachusetts, New Jersey, New York, Oklahoma, Nebraska, and Mississippi, for 180 days. Supporting shipper: The Arrowhead Silica Corp., 128 South 15th Street, Post Office Box 67, Chesterton, Ind. Send protests to: John G. Edmunds, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 127508 (Sub-No. 1 TA), filed September 1, 1965. Applicant: HOWARD B. McLAIN AND ROBERT B. IVESON, a partnership, doing business as McLAIN & IVESON TRANSPORTATION, 139 Bunn Road, Hillsdale, Mich. Applicant's representative: Haskell L. Nichols, 401 Dwight Building, Jackson, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dump bodies, garbage packers, misc., parts, hoists, winches, and parts*, between Wayne, Mich., Richmond, Calif., and Salt Lake City, Utah, for 150 days. Supporting shipper: Gar Wood Industries, Inc., Wayne, Mich. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 221 Federal Building, Lansing, Mich., 48933.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-9514; Filed, Sept. 8, 1965; 8:48 a.m.]

[Notice 1230]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 3, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 23656. By order of August 31, 1965, the Transfer Board

approved the transfer to Nickols Transportation Co., Inc., 43 West Weber Street, Stockton, Calif., of fourth amended certificate in No. W–522, issued February 26, 1948, to Henry J. Nickols, doing business as Nickols Transportation Co., 43 West Weber Street, Stockton, Calif., authorizing operations in interstate or foreign commerce, by self-propelled vessels, and by non-self-propelled vessels, in the transportation of commodities generally between ports and points on the San Joaquin and Sacramento Rivers and their tributary waterways below and including Stockton, Calif., and below Sacramento, Calif., above Antioch, Calif., and to and including the B. B. Ranch Landing west of Collinsville, Calif., and between such ports and points on the one hand, and, on the other, ports and points on San Francisco Bay and its tributary waterways.

No. MC–FC–68063. Corrected Notice.[1] By order of August 20, 1965, the Transfer Board approved the transfer to Frank C. Martin, doing business as Tullahoma Freight Company, McMinnville, Tenn., of that portion of the operating rights of Superior Trucking Service, Inc., Chattanooga, Tenn., in Certificate of Registration No. MC–97974 (Sub-No. 2) issued December 7, 1964, authorized in Tennessee Public Service Commission Certificate No. 1304–C, authorizing the transportation of property for hire as a common carrier by motor vehicle, between Nashville, Tenn., and Tullahoma, Tenn., and Lynchburg, Tennessee. Walter Harwood, Nashville Bank and Trust Building, Nashville, Tenn., 37403, attorney for applicants.

No. MC–FC–68127. By order of August 31, 1965, the Transfer Board approved the transfer to Harold H. Pearce, doing business as Pearce Transfer Company, Henderson, Ky., of the operating rights in Certificate No. MC–1037, issued August 11, 1960, to George L. Pearce and Harold H. Pearce, a partnership, doing business as Pearce Transfer Co., Henderson, Ky., authorizing the transportation over irregular routes of: Household goods, as defined by the Commission, between Henderson, Ky., on the one hand, and, on the other, Nashville, Tenn., points in Indiana south of U.S. Highway 40, and those in that part of Illinois bounded by a line beginning at Mount Carmel, Ill., and extending along Illinois Highway 15 to Ashley, Ill., thence along U.S. Highway 51 to Cairo, Ill., thence along the Ohio River to junction Wabash River, and thence along the Wabash River to the place of beginning, including points on the indicated portions of the highways specified. George S. Clay, 111 North Elm Street, Henderson, Ky., 42420, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–9515; Filed, Sept. 8, 1965; 8:49 a.m.]

[1] Corrected to show point of service between Nashville, Tenn., and Tullahoma, Tenn., and Lynchburg, *Tennessee* instead of Lynchburg, Virginia.

FEDERAL POWER COMMISSION

[Docket No. CP66–61]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

SEPTEMBER 1, 1965.

Take notice that on August 24, 1965, Eastern Shore Natural Gas Co. (Applicant), Post Office Box 615, Dover, Del., filed in Docket No. CP66–61 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of metering and connecting facilities to deliver interruptible gas to Chesapeake Utilities Corp. (Chesapeake) at Harrington, Del., for resale to the Delaware State Fair Grounds, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to tap its present 2-inch extension line to Killen Grain Co. located at a point south of Harrington, Del., in order to render additional gas service to Chesapeake. Applicant states that Chesapeake plans to extend its line to the Delaware State Fair Grounds and that the additional gas would be used to heat portions of the stands, the grooms' quarters, and to cook and heat in the restaurant. Since the proposed service would be rendered only during the limited summer period when the Delaware State Fair is held (usually 2 weeks to 30 days), Applicant states that it would not be necessary to increase the contract demand of Chesapeake nor would Applicant require any additional supply of gas.

Applicant further states that the required volume of gas can be made available from the supply presently available for sale during the summer period. The annual incremental volume is estimated by Applicant at 1,324 Mcf, while the estimated peak-day requirement would not exceed 100 Mcf.

The increased service proposed would not require any additional capital expenditure by Applicant. The cost of the proposed tap and construction of meter and regulator facilities would be made at the expense of Chesapeake.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–9485; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. CP66–59]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

AUGUST 31, 1965.

Take notice that on August 23, 1965, Mississippi River Transmission Corporation (Applicant), 9900 Claton Road, St. Louis, Mo., 63124, filed in Docket No. CP66–59 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon standby service to Arkansas Louisiana Gas Co. (ArkLa) near Pine Bluff, Ark., under Applicant's Rate Schedule S–1 and abandonment of certain metering, regulating, and appurtenant facilities installed for such service, all as more fully set forth in the application on file with the Commission and open to public inspection.

The standby service proposed to be abandoned is stated in the application to be covered by Applicant's Rate Schedule S–1 contained on Original Sheet Nos. 12 and 13 of Applicant's FPC Gas Tariff, First Revised Volume No. 1, which provides that ArkLa may take gas during periods when a shortage exists in ArkLa's other sources of gas.

Applicant states that ArkLa recently notified Applicant that it wished to terminate the standby service and ArkLa and Applicant have entered into a letter agreement dated July 28, 1965, providing for such termination. Under the terms of the letter agreement, as set forth in the application, termination of the service is to be effective upon the obtaining of necessary abandonment authority from the Commission and the effective date of the cancellation of Applicant's Rate Schedule S–1. Applicant further states that it is concurrently filing a notice of cancellation of Rate Schedule S–1, together with supporting data and material, as provided by Section 154.64 of the Commission's Regulations under the Natural Gas Act. The application states that the termination of Rate Schedule S–1 and the standby service covered thereby would not affect Applicant's contract demand service to ArkLa under Rate Schedule CD–1.

In connection with termination of the standby service Applicant would discontinue and abandon the use of the metering, regulating and appurtenant facilities at the delivery point for such service near Pine Bluff, Ark. Applicant states that because of the age of

this installation none of the items of material will be salvaged, and it is anticipated that the entire facility will be abandoned in place.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-9486; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. RI64-430]

PETROLEUM, INC.

Order Accepting Decreased Rate Filing

AUGUST 31, 1965.

Petroleum, Inc. (Petroleum) on August 11, 1965, tendered for filing a notice of change in rate reflecting a tax reimbursement reduction in a previously filed rate increase which is now in effect subject to refund in Docket No. RI64-430. The tax reduction is due to the buyer, United Gas Pipe Line Co., exercising its option to reduce the amount of Louisiana Severance Tax reimbursement due the producer under its Gas Purchase Contract, effective as of July 1, 1965. The decreased rate filing is set forth in Appendix "A" hereof.

Since the base rate remains the same under the rate schedule, we believe that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act should be waived and the rate as changed by the proposed tax change should be accepted for filing effective as of July 1, 1965, the proposed effective date, subject to refund in the existing suspension proceeding in Docket No. RI64-430.

The proposed rate contained in Petroleum's rate filing exceeds the ceiling rate for increased rates in Southern Louisiana as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder to accept for filing the proposed tax reimbursement rate decrease filing, designated as Supplement No. 6 to Petroleum's FPC Gas Rate Schedule No. 14, effective as of July 1, 1965, subject to the existing rate suspension proceeding in Docket No. RI64-430 and refund obligation related thereto.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed decreased rate	
RI64-430...	Petroleum, Inc., 352 North Broadway, Wichita, Kans., 67202, Attn.: Mr. O. G. Frakes.	14	6	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.) (South Louisiana).	$482	8-11-65	[1] 7-1-65	----------	[5] 22.75	[2 3 4] 22.50	RI64-430.

[1] Effective date of tax reimbursement decrease as per letter dated May 6, 1965, from the buyer, included in filing.
[2] Tax reimbursement rate decrease.
[3] Pressure base is 14.65 p.s.i.a.
[4] Includes 1.50 cents per Mcf tax reimbursement.
[5] Includes 1.75 cents per Mcf tax reimbursement.

The Commission orders: The tax reimbursement decrease, designated as Supplement No. 6 to Petroleum's FPC Gas Rate Schedule No. 14, is hereby accepted for filing, effective as of July 1, 1965, subject to the existing rate suspension proceeding in Docket No. RI64-430 and refund obligation related thereto.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-9487; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. RI66-58]

ROCK ISLAND OIL & REFINING CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 31, 1965.

On August 11, 1965, Rock Island Oil & Refining Co., Inc. (Operator), et al., (Rock Island)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated August 11, 1965.[2]
Purchaser and producing area: Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).
Rate schedule designation: Supplement No. 4 to Rock Island's FPC Gas Rate Schedule No. 1.
Effective date: September 11, 1965.[3]
Amount of annual increase: $1,236.
Effective rate: 11.0 cents per Mcf.[4]
Proposed rate: 13.5 cents per Mcf.[4 5]
Pressure base: 14.65 psia.

Rock Island's proposed increased rate and charge exceeds the area price level for increased rates for Kansas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Rock Island's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Rock Island's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Rock Island's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof de-

[1] Address is: 321 West Douglas, Wichita 2, Kans.

[2] Includes Amendment dated June 30, 1965, amending contract quantity provisions and providing for increased rate.
[3] The stated effective date is the effective date proposed by Respondent.
[4] Subject to a downward Btu adjustment.
[5] Renegotiated rate increase.

ferred until February 11, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before October 13, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-9488; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. CP64-97]

SABINE PIPE LINE CO.

Notice of Petition To Amend

AUGUST 31, 1965.

Take notice that on August 26, 1965, Sabine Pipe Line Co. (Petitioner), 1111 Rusk Avenue, Houston, Tex., 77052, filed in Docket No. CP64-97 a petition to amend the certificate of public convenience and necessity issued on March 25, 1964, authorizing Petitioner to construct and operate a pipeline to be used to transport natural gas owned by Texas Inc. (Texaco) from the Erath Plant of Texaco in Vermilion Parish, La., to Texaco's Port Arthur plants in Jefferson County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The certificate issued March 25, 1964, authorized Petitioner, a wholly owned subsidiary company of Texaco, to construct and operate approximately 127 miles of 24-inch pipeline to transport natural gas for Texaco. Petitioner proposed to transport approximately 155,000 Mcf of natural gas on an average day and approximately 187,000 Mcf on a maximum day during the first full year of operation.

By the instant filing, Petitioner proposes the following changes in the construction program.

(1) Acquisition of approximately 43 miles of existing 16-inch pipeline from the east bank of the Calcasieu River in the vicinity of Lake Charles, La., directly to a point approximately 7 miles from Texaco's Port Arthur plants, which line is presently owned by the Texas Pipe Line Co., another wholly owned subsidiary company of Texaco;

(2) Looping of the above-described 16-inch line with an 18-inch pipeline;

(3) Substitution of 22-inch pipeline for the presently authorized 24-inch pipeline from Texaco's Henry Gasoline Plant to the east bank of the Calcasieu River and the final 7 miles of proposed pipeline.

The estimated cost of construction of the facilities as they are now proposed is $16,512,923, which will be financed initially with cash available from the issuance of Petitioner's capital stock to Texaco and a loan to Petitioner by Texaco.

The stated reason for the amendment to the construction proposal is that Petitioner could achieve approximately the same maximum line capacity with a slightly smaller diameter pipeline at a saving in current construction cost. Petitioner states that the increase in estimated construction cost from the original estimate of $15,700,000 is due to increased labor cost for pipeline construction in South Louisiana and a decision to bury the river crossings so as to minimize the possibility of line damage. Petitioner further states that the decision to acquire existing pipeline instead of constructing the 43-mile segment of 24-inch line is a saving in construction and right-of-way costs.

Petitioner states that by increasing the pressure at which the gas is to be received at Texaco's Henry Plant from 800 psig to 1100 psig, the mainline capacity will be approximately the same as originally proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before September 27, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-9489; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. CP66-62]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

SEPTEMBER 1, 1965.

Take notice that on August 24, 1965, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex., 77001, filed in Docket No. CP66-62 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of 510 Mcf per day and 306 Mcf per day of natural gas to Huntingdon Gas Co. and Shamokin Gas Co., respectively, under Applicant's Annual Firm Gas Rate Schedules on file and in effect with the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Huntingdon Gas Co. has indicated that it will need the aforesaid additional quantity of natural gas commencing September 1, 1965. Shamokin Gas Co. has indicated that of the proposed 306 Mcf per day of natural gas, it will need 204 Mcf per day commencing September 1, 1965, and 102 Mcf per day commencing September 1, 1966. Applicant further states that deliveries of natural gas to Huntingdon Gas Co. would be made at the existing point of delivery to that Company in Huntingdon County, Pa., and deliveries of natural gas to Shamokin Gas Co. would be made at an existing point of delivery in Berks County, Pa. Both Huntingdon Gas Co. and Shamokin Gas Co. are stated by Applicant to be subsidiaries of Penn Fuel Gas Co., Inc.

The application states that the aforesaid volumes of natural gas are needed by these customers in order for them to render adequate natural gas service in the areas they serve.

The proposed sales would be made by means of Applicant's existing pipeline system and no new financing would be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 30, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-9490; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. E-7120]

CRISP COUNTY POWER COMMISSION AND GEORGIA POWER CO.

Order Denying Motion To Dismiss and Providing for Hearing

SEPTEMBER 2, 1965.

On August 8, 1963, Crisp County Power Commission (Crisp County) Cordele, Ga., filed with the Federal Power Commission a complaint against Georgia Power Co. (Georgia Power), Atlanta, Ga., requesting the Commission to order, pursuant to section 202(b) of the Federal Power Act, that Georgia Power establish interconnection with and interchange power and energy with Crisp County under terms and conditions to be prescribed by the Commission.

On September 9, 1963, Georgia Power filed with the Commission an Answer and Motion To Dismiss the Complaint filed by Crisp County. The motion to dismiss contended that Crisp County is not a "person" within the meaning of section 202(b) of the Federal Power Act. On September 30, 1963, Crisp County filed an Answer to Georgia Power's motion to dismiss, and on October 11, 1963, Georgia Power filed a supplemental brief

in support of the motion to dismiss. This Commission in its past decisions has indicated that municipalities are "persons" for purposes of complaint and invocation of the consumer protective provisions of part II of the Federal Power Act. Shrewsbury Municipal Light Department v. New England Power Company, Order Fixing Date of Hearing, Denying Motion To Dismiss, issued May 2, 1963, Docket No. E-7021, ____ FPC ____. The Commission was upheld by the Court of Appeals, New England Power Co. v. F.P.C., ____ F. 2d ____, C.A. 1 #6434, decided July 21, 1965. Although the court did not reach the question of whether a municipality which generates electricity is a "person" under section 202(b), there is nothing in the legislative history to indicate that any distinction was intended in the Act between municipalities with generating facilities and municipalities without generating facilities insofar as their ability to secure interconnection with investor-owned utilities to provide service to the municipal power distributor consistent with section 202(b). All the consumer safeguard provisions of part II of the Power Act can be invoked to regulate a public utility on the complaint of a municipality. United States v. Public Utilities Commission of California, 345 U.S. 295, 312–313, 316 (1953). It is true that this case indicates (p. 313 at footnote 23) that Congress intended to preclude the Commission from requiring any investor-owned company to wheel power from a Federal or State or municipally owned generating system to a customer of such system. But nothing of this nature is contemplated by Crisp County's complaint, nor does the fact that the appropriate terms of any such interconnection may reflect the value of the generating capacity Crisp County can supply to the interconnected system in any way bring the present matter within the ambit of the type of situation Congress was concerned with in limiting the scope of Commission authority under section 202(b). In short, it is clear that Crisp County is a "person" within the meaning of that term as it appears in section 202(b), and there is nothing in the Act or its legislative history which stands in the way of our granting it the relief requested if it is necessary or appropriate in the public interest and otherwise consistent with the section's standards. It is therefore appropriate to deny Georgia Power's Motion To Dismiss.

As a result of informal conferences among representatives of Crisp County, Georgia Power and the Commission's staff for purposes of clarification of the issues and agreement as to service of prepared testimony, the following schedule has been recommended for Commission consideration:

September 15, 1965—Service of direct testimoney and exhibits of Crisp County; October 15, 1965—Service of testimony and exhibits by Georgia Power; November 3, 1965—Service of testimony and exhibits by Commission Staff and intervenors; November 15, 1965—Service of testimony and exhibits by Georgia Power in reply to Staff and intervenors, and by Crisp County in reply to Georgia Power, Staff and intervenors; November 30, 1965—Commencement of hearing.

The Commission further finds: It is necessary and appropriate for the purposes of the Federal Power Act that a public hearing be ordered respecting the issues presented under section 202 of the Act and in the Complaint and the Answer.

The Commission orders:

(A) Georgia Power's motion to dismiss the complaint of Crisp County is hereby denied.

(B) Pursuant to the authority contained in the Federal Power Act, particularly sections 202, 308 and 309 thereof, a public hearing shall be held commencing on November 30, 1965, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the issues presented under section 202 of the act and in the Complaint and the Answer.

(C) The schedule for the service of testimony and exhibits as set forth in the recital above is hereby adopted.

(D) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before September 15, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-9491; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. CP66-65]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

SEPTEMBER 1, 1965.

Take notice that on August 26, 1965, Michigan Wisconsin Pipe Line Company (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP66-65 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by merger and operation of the facilities of American Louisiana Pipe Line Co. (American Louisiana) pursuant to the plan of reorganization and agreement of merger entered into by Applicant and American Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant and American Louisiana are both wholly owned subsidiary companies of American Natural Gas Co. In 1953, when the American Natural system required an increased gas supply, American Louisiana was formed to construct a new pipeline from the Louisiana gulf coast. Applicant states that the reasons for the new company were that a greater portion of the cost of construction could be financed from the sale of bonds than would have been possible if Applicant were to have constructed the pipeline, and the American Natural system desired to avoid any possibility of escalating the pricing provisions in the then-existing gas purchase contracts.

The instant proposal, as approved by the boards of directors of each company, consists of the conversion of American Louisiana's 205,000 shares of $100 par value common stock now issued and outstanding into an equal number of Applicant's shares of $100 par value common stock, and there will be a succession by Applicant to all the rights and liabilities of American Louisiana. American Louisiana's First Mortgage Pipe Line Bonds, 4½ percent series due 1976, will be exchanged for an equivalent principal amount of Applicant's First Mortgage Pipe Line Bonds with the same interest rate, final maturity date and redemption prices, pursuant to an agreement by the bondholders to the exchange. The amount of earnings retained in the business, as shown on the books of American Louisiana will be allocated to earnings retained in the business on the books of Applicant. The proposed effective date of the merger is January 1, 1966. Applicant proposes to continue service now rendered by American Louisiana.

Applicant states that there is no longer any reason to retain the separate corporate identities of the two companies and that there are several reasons in support of the merger including more economical financing of future expansion, better utilization of the total cash resources of the two companies and other economies resulting from the elimination of duplication of such matters as accounting and reporting. The application states that American Louisiana contemplates a public offering of bonds in 1966 which will complicate the merger if the merger is deferred until after the bond issue.

Applicant indicates that the proposed merger will increase no customer's cost of gas that some rates will decline immediately and that others will decline as load patterns change. Applicant proposes to adopt an additional rate schedule, concomitant with the merger, which will permit its present customers to increase their annual purchases of gas over the volumes now available to them under Rate Schedule ACQ-1. Applicant states that the Small General Service customers of American Louisiana would obtain an immediate rate reduction, since Applicant's SGS-1 rate of 44.7 cents per Mcf will be substituted for American Louisiana's presently effective comparable rate of 45 cents. Other rate matters are more fully discussed in the application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before September 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition

to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-9492; Filed, Sept. 8, 1965; 8:46 a.m.]

[Docket No. CP66-60]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 1, 1965.

Take notice that on August 23, 1965, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky., filed in Docket No. CP66-60 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued direct industrial sale of natural gas and the construction and operation of a meter station, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant was originally authorized to sell natural gas to Spencer Chemical Co. (Spencer) under the terms of a direct industrial sales contract between Applicant and Spencer dated August 5, 1950, pursuant to a certificate of public convenience and necessity issued in Docket No. G-1471 on January 22, 1951 (10 FPC 689). By an amendment to that certificate, issued March 21, 1963 (29 FPC 566) Applicant is presently authorized to sell natural gas, on a high priority basis, in volumes up to 11,500 Mcf of gas per day and to sell gas, on an interruptible basis, in volumes up to 10,000 Mcf of gas per day.

On April 29, 1964, Gulf Oil Corp. (Gulf) acquired Spencer and succeeded to the rights and obligations of Spencer under the industrial sales contract between Spencer and Applicant. This contract was subject to termination on January 1, 1967. Applicant states that as a result of discussions relating to an extension of the term of said contract the parties entered into a transportation agreement and a sales agreement, both dated June 23, 1965, and fully set forth in the application. The sales agreement supersedes the original industrial sales contract dated August 5, 1950, as amended. Applicant further states that the effect of the new agreements would be to extend the term of the existing contract for a period of twelve (12) years from January 1, 1965.

Pursuant to the aforementioned agreements Applicant seeks authorization to continue the direct industrial sale to Gulf of natural gas, on a high priority basis in volumes up to 11,500 Mcf per day as previously authorized by the certificate issued in the aforementioned Docket No. G-1471, as amended. Applicant also seeks authorization to render natural gas transportation service for Gulf,[1] on a high priority basis, in volumes up to 11,500 Mcf per day, provided that the total daily volume of such natural gas to be sold and transported on a high priority basis shall not exceed in the aggregate of 11,500 Mcf per day, and to continue the direct interruptible sale of gas to Gulf in volumes up to 10,000 Mcf of gas per day.

Applicant states that the high priority sales and transportation services are subject to curtailment or discontinuance in order to supply the requirements of present or future customers of Applicant purchasing gas on a firm basis for resale. The gas proposed to be transported would be produced by Gulf from acreage in the Church Point Field located in South Louisiana, as stated in the application. The application further states that the gas would be taken by Applicant and transported through its system for delivery to Gulf at Gulf's Spencer Chemical Plant near Henderson, Ky.

In order to render the service, Applicant requests authority to install, construct and operate one meter station. The total estimated cost of this meter station is $5,200 and will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before September 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-9493; Filed, Sept. 8, 1965; 8:46 a.m.]

[1] On July 21, 1965, Gulf filed an application in Docket No. CI66-68 requesting that the Commission issue an order permitting and approving the abandonment of the sale of gas to Transcontinental Gas Pipe Line Co. (Transco) from Gulf's gas reserves in the Church Point Field. The gas proposed to be transported herein is the same gas now being sold to Transco and accordingly, this application for a certificate of public convenience and necessity is partially contingent upon the approval of the abandonment application filed by Gulf. Applicant states that it has been advised that Transco has no objection to the abandonment proposed by Gulf.

GENERAL SERVICES ADMINISTRATION

LUMP STEATITE TALC IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,049 short tons of lump steatite talc now held in the national stockpile.

This quantity of lump steatite talc is excess to the needs of the stockpile as a result of a revised determination made by the Office of Emergency Planning, pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, with respect to the quantity of lump steatite talc to be stockpiled.

The General Services Administration proposes to make said lump steatite talc available (a) for sale on a competitive basis, (b) for transfer to agencies of the U.S. Government for direct or indirect use, (c) for payment for services involved in upgrading Government-owned inventories or for other similar transactions, (d) for sale under foreign aid programs, or (e) for disposition in such other manner as may be in the best interest of the Government.

The annual rate of disposal, exclusive of direct Government use, for the first disposal year will be approximately 5 to 10 tons. The rate of disposal will be subject to adjustment upward in subsequent years to the extent that growth in consumption and improvement in market conditions warrant.

The General Services Administration is requesting the Congress to enact legislation which would provide approval by the Congress of the proposed disposition and also waive the 6-month waiting period prescribed by section 3(e) of the Stock Piling Act. The talc will be available for disposal upon the enactment of such legislation.

Dated: August 31, 1965.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 65-9506; Filed, Sept. 8, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1250]

BALDWIN SECURITIES CORP.

Notice of Filing of Application for Order Amending Order Exempting Relationship From Provisions of the Act

SEPTEMBER 2, 1965.

Notice is hereby given that Baldwin Securities Corp. ("Baldwin"), 1 Chase Manhattan Plaza, New York, N.Y., a Delaware corporation registered under the Investment Company Act of 1940 ("Act"), as a nondiversified closed-end

investment company, has filed an application pursuant to section 6(c) of the Act for an order amending an Order of the Commission dated April 27, 1960 (Investment Company Act Release No. 3023), as amended by an Order of the Commission dated December 23, 1964 (Investment Company Act Release No. 4108) and by an Order of the Commission dated June 28, 1965 (Investment Company Act Release No. 4287), to extend from August 31, 1965 until September 30, 1965, the period during which Baldwin's ownership of stock of, and relationship with, General Industrial Enterprises, Inc. ("General"), a Delaware corporation registered under the Act as a nondiversified closed-end investment company, shall be exempt from the provisions of section 12(d)(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Baldwin presently owns approximately 93 percent of the issued and outstanding voting stock of General. Baldwin and General intend that General will be merged into Baldwin without a vote of stockholders, pursuant to section 253 of the Delaware General Corporation Law. It is contemplated that the plan of merger will provide that each stockholder of General (other than Baldwin) will receive Baldwin stock equal in net asset value to the net asset value of General stock, subject to the appraisal rights given by section 253 of the Delaware General Corporation Law.

A separate application has been filed pursuant to section 17(b) of the Act for an order of the Commission exempting transactions incident to the proposed merger of Baldwin and General from the provisions of section 17(a) of the Act (File No. 812-1765). The instant application states that the proposed merger cannot be consummated unless the Commission issues the exemptive order requested under section 17(b), and that it would be impracticable to proceed with the merger until any such exemptive order which the Commission may issue becomes final and no longer subject to judicial review. The Commission has issued an order pursuant to section 17(b) of the Act exempting the transactions incident to the proposed merger from the provisions of section 17(a) of the Act. No hearing was requested, and none was ordered by the Commission, in respect of the exemptive order under section 17(b) of the Act.

Section 12(d)(1) of the Act provides, in pertinent part, that it shall be unlawful for any registered investment company to purchase or otherwise acquire any security issued by any other investment company if such registered investment company will, as a result of that purchase or other acquisition, own over 5 percent (3 percent where the other investment company is a diversified company) of the outstanding voting securities of the other investment company, unless the registered investment company and any company or companies controlled by the registered investment company owns, at the time of the purchase or other acquisition, at least 25 percent of the outstanding voting stock of the other investment company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 16, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Baldwin at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-9480; Filed, Sept. 8, 1965; 8:46 a.m.]

[File No. 70-4301]

COLUMBIA GAS OF KENTUCKY, INC., AND THE COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Common Stock and Installment Notes by Subsidiary Company to Holding Company

SEPTEMBER 2, 1965.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia") 120 East 41st Street, New York, N.Y., 10017, a registered holding company, and its wholly owned gas utility subsidiary company, Columbia Gas of Kentucky, Inc. ("Columbia of Kentucky"), have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

By Order dated June 23, 1965 (Holding Company Act Release No. 15267), the Commission authorized Columbia of Kentucky to sell $1,300,000 principal amount of installment promissory notes, the proceeds from which were to be used in financing its 1965 construction program. Columbia of Kentucky now finds that additional funds in the amount of $1 million will be required for the year 1965 because of (1) an increase of $500,000 in 1965 construction estimates and (2) the fact that certain refunds to customers must be made sooner than anticipated. Accordingly, Columbia of Kentucky proposes to issue and sell to Columbia, and Columbia proposes to acquire, 24,000 shares of its common stock at the aggregate par value of $600,000 and its installment promissory notes in the aggregate principal amount of $400,000.

The installment notes are to be unsecured and nonregistered and will be dated when issued. The principal amounts will be due in 25 equal annual installments on January 15 of each of the years 1967 to 1991, inclusive. Interest is to be paid semiannually at the rate of 4.6 percent per annum, which is approximately equal to the cost of money to Columbia with respect to its sale of debentures on May 6, 1965 (see File No. 70-4265).

Expenses to be incurred by the companies in connection with the proposed transactions are estimated at $200 for Columbia and $800 for Columbia of Kentucky. The Kentucky Public Service Commission, the State commission of the State in which Columbia of Kentucky is organized and doing business, has authorized the proposed issue and sale of common stock and installment notes.

Notice is further given that any interested person may, not later than September 20, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application is filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commision (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-9481; Filed, Sept. 8, 1965; 8:46 a.m.]

[File No. 70-4300]

OHIO POWER CO.

Notice of Proposed Acquisition of Utility Assets From a Municipality

SEPTEMBER 2, 1965.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Ohio proposes to acquire from the city of Willard, Ohio ("Willard"), the electric utility system of Willard which presently serves approximately 2,160 customers and which consists principally of a 5,000 kw steam-electric generating plant, an electric distribution system, and a street-lighting system. The system property will be conveyed free and clear of any indebtedness and encumbrances. On April 5, 1965, the City Council of Willard adopted an ordinance requesting bids for the entire Willard electric system, and Ohio submitted its cash bid of $1,575,000. Thereafter, the City Council adopted an ordinance requiring submission of Ohio's bid for voter approval at the general election to be held on November 2, 1965. The application states that, in view of the urgent need to improve Willard's existing facilities and to provide a new distribution substation tied into Ohio's system, Ohio desires appropriate consideration of the proposed transaction by the Commission prior to November 2, 1965.

Ohio states that the price proposed to be paid is based on a consideration of the estimated original cost of $1,561,448 and the present condition of the system property; the amount of gross revenues which Ohio could immediately expect from the property, estimated at $300,000 per annum; the increase in revenues which could reasonably be expected from new load development in the area; and the number of customers presently served by the system. The company estimates that three years after the acquisition, gross revenues and net operating income will be $410,000 and $82,700, respectively. Ohio states that the Willard facilities are situated in the territory generally served by Ohio; that the facilities to be acquired would be integrated into Ohio's system; and that the application of Ohio's present rates would result in slightly lower costs to Willard's domestic and commercial customers.

Ohio proposes to record the assets to be acquired at their purchase price and, after determining their original cost and accrued depreciation, to dispose of the difference between the purchase price and the depreciated original cost in accordance with applicable State and Federal Power Commission accounting requirements.

The application states that no expenses are to be incurred by Ohio except for legal expenses of Ohio counsel, estimated not to exceed $2,500, and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 22, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-9482; Filed, Sept. 8, 1965; 8:46 a.m.]

[File Nos. 59-109, 54-235]

WEST PENN POWER CO. ET AL.

Notice of Application Regarding Fees and Expenses

SEPTEMBER 1, 1965.

In the matters of West Penn Power Co., Allegheny Power System, Inc., File No. 59-109; Allegheny Power System, Inc., 320 Park Avenue, New York, N.Y., 10022; File No. 54-235.

On November 13, 1964, the Commission issued its Findings and Opinion and Order herein (Holding Company Act Release No. 15145), approving, under section 11(e) of the Public Utility Holding Company Act of 1935, a plan providing for the issuance by Allegheny Power System, Inc. ("Allegheny"), a registered holding company, of shares of its common stock in exchange for the publicly-held shares of common stock (4.79 percent of the total outstanding) of one of its public-utility subsidiary companies, West Penn Power Co. In said order of November 13, 1964, the Commission reserved jurisdiction with respect to the allowance of all fees and expenses related to the plan.

Notice is hereby given that Allegheny has filed an application with this Commission setting forth the fees and expenses incurred in connection with said plan and requesting that the Commission release jurisdiction with respect thereto. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the services performed and of the related fees and expenses, the allowance of which is requested.

The fees and expenses relating to the plan, aggregating $72,000, are to be paid by Allegheny and are detailed as follows:

Sullivan & Cromwell:		
Fee	$32,500.00	
Disbursements	2,275.00	$34,775.00
Standard Research Consultants, Inc.:		
Fee	$14,704.26	
Expenses	743.32	15,447.58
N.Y. Stock Exchange Listing Fee		1,538.00
Pittsburgh National Bank (West Penn Power Co. Common Stock Transfer Agent)		1,336.37
First National City Bank (New York), Exchange Agent		7,804.16
First National City Bank (New York), Allegheny Power System, Inc., Common Stock Transfer Agent		3,703.05
Morgan Guaranty Trust Co. of New York, Allegheny Power System, Inc., Common Stock Registrar		1,234.35
Printing (notices, letters to stockholders, and stock certificates)		2,368.97
Miscellaneous (reports and transcripts, advertising, postage, travel, telephone tolls, mimeographing, etc., including $1,451.23 contingency for future expenses)		3,792.52
Total		72,000.00

Notice is further given that any interested person may, not later than September 22, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the Commission may issue an order approving such fees and expenses and releasing jurisdiction thereover, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-9483; Filed, Sept. 8, 1965; 8:46 a.m.]

TARIFF COMMISSION

[TEA-F-6]

GENERAL PLYWOOD CORP.

Petition for Determination of Eligibility To Apply for Adjustment Assistance

Investigation instituted. Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed August 30, 1965, by the General Plywood Corporation, 3131 West Market Street, Louisville, Ky., the United States Tariff Commission, on September 3, 1965, instituted an investigation under section 301 (c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, certain plywood door skins, like or directly competitive with articles produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The imported articles to which this investigation relates consist of birch and lauan (Philippine mahogany) plywood door skins, currently dutiable at 15 and 20 percent ad valorem under items 240.14, 240.18, and 240.20 of the Tariff Schedules of the United States.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held at 10 a.m., e.d.s.t., on October 5, 1965, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary of the Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: September 3, 1965.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 65-9550; Filed, Sept. 8, 1965; 8:57 a.m.]

UNITED STATES-PUERTO RICO COMMISSION ON THE STATUS OF PUERTO RICO

ECONOMIC MATTERS

Notice of Public Hearings

The United States-Puerto Rico Commission on the Status of Puerto Rico will hold its third public hearings during mid-November 1965, in San Juan. In accordance with the Commission's previously announced plans for holding hearings on specific subjects, these hearings will be devoted exclusively to testimony on economic aspects of the relationship between the United States and Puerto Rico. The law establishing the Commission requires it to "study all factors bearing upon the present and future relationship between the United States and Puerto Rico".

Falling within the scope of the economics hearings are:

(1) Present economic relationships between Puerto Rico and the United States in such areas as tariff and commercial policy, wages, transportation, monetary and balance of payments relations, and fiscal relations including investment incentives and the flow of Federal funds;

(2) Economic programs for proposed status transitions; and

(3) Economic effects of proposed political status alternatives.

The purpose of these hearings, as previously stated, is to permit the people of Puerto Rico to participate directly in the work of the Commission and to inform the members of the Commission. The Commission wishes to hear representatives of all points of view so that it will be fully aware of the views of the people of Puerto Rico. In order to insure maximum participation and expeditious proceedings, the Commission has adopted the following procedure.

All persons desiring to testify should file a written pre-hearing statement with the Commission. The final date for filing the pre-hearing statement is October 15, 1965, and no person shall testify orally who has not filed by this date.

These statements should contain the following:

(1) Person's name and address;

(2) The organization, if any, he represents;

(3) The particular aspects of the economic field on which he will testify;

(4) A brief statement, no longer than one page, of the major points of the testimony to be presented;

(5) The approximate length of the testimony.

Each person who files a pre-hearing statement should, if requested, make himself available for a conference with the Commission staff to make any needed clarification of his prehearing statement and arrange the details of presentation. Persons testifying may be asked subsequently to file a complete written statement of their testimony.

Submissions made pursuant to this notice shall be sent to the United States-Puerto Rico Commission on the Status of Puerto Rico at either of the following addresses:

1634 Eye Street NW., Fifth Floor, Washington, D.C., 20006.

Condominio San Alberto, Stop 17, Post Office Box 9561, Santurce, P.R.

All submissions shall be in duplicate and may be presented in either English or Spanish.

The Commission will notify each person of the exact time and place where he will testify, the amount of time allotted for his testimony and such additional information as may be necessary.

BEN S. STEPHANSKY,
Executive Secretary.

SEPTEMBER 7, 1965.

[F.R. Doc. 65-9504; Filed, Sept. 8, 1965; 8:46 a.m.]

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